



CITY OF MERCER ISLAND

CITY COUNCIL MEETING AGENDA

Monday
June 5, 2017
5:00 PM

Mayor Bruce Bassett
Deputy Mayor Debbie Bertlin
Councilmembers Dan Grausz, Jeff Sanderson,
Wendy Weiker, David Wisenteiner
and Benson Wong
Contact: 206.275.7793, council@mercergov.org
www.mercergov.org/council

All meetings are held in the City Hall Council Chambers at
9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

“Appearances” is the time set aside for members of the public to speak to the City Council about any issues of concern. If you wish to speak, please consider the following points:
(1) speak audibly into the podium microphone, (2) state your name and address for the record, and (3) limit your comments to three minutes.
Please note: the Council does not usually respond to comments during the meeting.

REGULAR MEETING

CALL TO ORDER & ROLL CALL, 5:00 PM

AGENDA APPROVAL

EXECUTIVE SESSION

Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

STUDY SESSION

- (1) AB 5307 CenturyLink Cable Franchise Agreement

CITY MANAGER REPORT

APPEARANCES, 7:00 PM

CONSENT CALENDAR

- (2) Payables: \$1,231,685.71 (05/11/2017), \$1,184,494.17 (05/25/2017), \$102,572.61 (06/01/2017)

Payroll: \$809,644.42 (05/26/2017)

Minutes: May 8, 2017 Special Meeting Minutes, May 16, 2017 Special Meeting Minutes, May 22, 2017 Special Meeting Minutes, May 23, 2017 Special Meeting Minutes, May 24, 2017 Special Meeting Minutes, and May 31, 2017 Special Meeting Minutes

AB 5309 Arts Council 2016 Annual Report and 2017 Work Plan

AB 5310 NPDES Stormwater Code Update (2nd Reading & Adoption)

REGULAR BUSINESS

- (3) AB 5312 I-90 Loss of Mobility Status Report
(4) AB 5308 CenturyLink Cable Franchise Agreement (1st Reading)

- (5) AB 5311 Island Crest Park North Outfield Project
- (6) AB 5313 Planning Commission's Recommendation for Residential Development Standards Code Amendments
(1st Reading)

OTHER BUSINESS

- Councilmember Absences
- Planning Schedule
- Board Appointments
- Councilmember Reports

ADJOURNMENT

Due to the Memorial Day Holiday and the volume of materials, packet materials for Regular Business Item 3 & 6 will be posted and available tomorrow June 2, 2017



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5307
June 5, 2017
Study Session**

**CENTURYLINK CABLE FRANCHISE
AGREEMENT**

Proposed Council Action:

No action necessary. Receive presentation.

DEPARTMENT OF	City Attorney (Kari Sand)
COUNCIL LIAISON	n/a
EXHIBITS	n/a
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

CenturyLink has applied for a cable TV franchise. If approved, it would be the second such franchise in Mercer Island (the incumbent provider is Comcast). Representatives from CenturyLink will be giving a presentation about its services, and the City Attorney will be giving an overview of the applicable legal framework and the proposed franchise agreement. See AB 5308 (included in June 5, 2017 packet) for a copy of the proposed franchise agreement.

RECOMMENDATION

City Attorney

No action necessary. Receive presentation.

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	186914-187088	5/11/2017	\$ 1,231,685.71
			\$ 1,231,685.71

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186914	05/11/2017	AA ASPHALTING INC INV 85434 UTILITY PATCHING	P94073	0085434IN	03/31/2017	2,388.00
00186915	05/11/2017	AABCO BARRICADE COMPANY INC Lighting for Easter Egg Hunt	P0095030	314	04/27/2017	659.95
00186916	05/11/2017	ACCESS PICK UP AND DELIVERY OF BLACK	P0095052	2017506	04/30/2017	395.29
00186917	05/11/2017	ADS LLC 2017 SEWER BASIN 40 INFILTRATI	P94157	222160417	04/22/2017	4,675.00
00186918	05/11/2017	AIRGAS USA LLC Oxygen/Fire	P0095042	9944832731	04/30/2017	109.90
00186919	05/11/2017	ALPHA AND OMEGA ELECTRIC PERMIT REFUND		1702145	05/02/2017	155.36
00186920	05/11/2017	ARSCENTIA Mercerdale sign "MI Parents Ge	P0094966	201701511	04/24/2017	184.80
00186921	05/11/2017	ASTRAL COMMUNICATIONS INC Modem Antenna 424	P0094821	170531	04/20/2017	239.81
00186922	05/11/2017	AUTHENTIC LIMITED Yearly Subscription - Stqry Ba	P0095029	INV0721	01/01/2017	1,000.00
00186923	05/11/2017	AUTONATION INC REPAIR PARTS	P0095070	OH008176	05/01/2017	2,862.18
00186924	05/11/2017	AWC AWC Conference - Invoice No. 5	P0094959	51241	04/19/2017	185.00
00186925	05/11/2017	AXIS SURVEY & MAPPING DESIGN - E MERCER WAY 5400-600	P91353	10359	03/30/2017	2,801.25
00186926	05/11/2017	BANCHERO III, JOHN STEPHAN OVERPAYMENT REFUND		OH008149	05/08/2017	378.40
00186927	05/11/2017	BECKWITH CONSULTING GROUP ECONOMIC DEVELOPMENT GRANT	P93486	#2	05/01/2017	7,200.00
00186928	05/11/2017	BEN'S CLEANER SALES INC PRESSURE WASHER PARTS	P0094982	282127	04/24/2017	270.17
00186929	05/11/2017	BEST PARKING LOT CLEANING INC INV V156584 2017-18 CCTV ON-CA	P0095010	V156584	04/24/2017	11,086.50
00186930	05/11/2017	BLUELINE GROUP SUB BASIN 27A.9 SEWER & DRAINAGE	P85542	13193	04/04/2017	1,617.00
00186931	05/11/2017	BUILDERS EXCHANGE OF WA SUB BASIN 27A.9	P0095069	1054266	04/06/2017	72.05
00186932	05/11/2017	CAMDEN GARDENS Aljoya & Aubrey Davis Park Sha	P94071	62625	05/01/2017	424.88
00186933	05/11/2017	CAROLLO ENGINEERS INC GENERAL SEWER PLAN UPDATE	P86399	0156714	04/21/2017	8,639.95
00186934	05/11/2017	CDW GOVERNMENT INC Fujitsu Scansnap IX500 Doc Sca	P0094904	HRB5496	04/27/2017	2,669.85
00186935	05/11/2017	CEDAR GROVE COMPOSTING INC Organic Waste Service April 20	P0094868	0000329774	04/20/2017	1,226.56
00186936	05/11/2017	CENTURYLINK PHONE USE MAY 2017		OH008144	05/01/2017	1,302.29
00186937	05/11/2017	CERTIFIED LABORATORIES INVENTORY PURCHASES	P0094958	2700801	04/26/2017	557.42
00186938	05/11/2017	CHAPPELL, MARC PERMIT REFUND		1704143	05/08/2017	1,873.34
00186939	05/11/2017	CHAPTER 13 TRUSTEE PAYROLL EARLY WARRANTS		OH008175	05/12/2017	1,331.00

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00186940	05/11/2017	CLEANERS PLUS 1 Patrol uniform cleaning	P0094970	76408	05/01/2017	124.50
00186941	05/11/2017	CM DESIGN GROUP ROADSIDE SHOULDER IMPROVEMENTS	P91329	17038	05/04/2017	7,892.62
00186942	05/11/2017	COCHRAN INC PERMIT REFUND		1702066	05/08/2017	96.80
00186943	05/11/2017	CODE PUBLISHING CO MICC Code Update 04/17/17	P0094944	56260	04/28/2017	265.54
00186944	05/11/2017	COLUMBIA PUMPING & CONST INC RETAINAGE	P91737	RETAINAGE582017	05/08/2017	9,545.73
00186945	05/11/2017	COMCAST 2017 ANNUAL PW WI-FI SERVICE	P93757	OH008177	04/07/2017	95.90
00186946	05/11/2017	COMPLETE OFFICE OFFICE SUPPLIES APRIL 2017		OH008146	04/30/2017	6,342.57
00186947	05/11/2017	CONFIDENTIAL DATA DISPOSAL Shredding	P0095019	92360	04/30/2017	175.00
00186948	05/11/2017	CONTRACT HARDWARE CITY HALL DOOR LOCK CYLINDER	P0095002	SPI038422	04/28/2017	90.53
00186949	05/11/2017	CRAWFORD DOOR COMPANY FS92 APP BAY DOOR ADJUSTMENT	P0095001	98556	04/26/2017	274.43
00186950	05/11/2017	CRYSTAL AND SIERRA SPRINGS 2017 ANNUAL PO FOR WATER DELIV	P94425	14555831042217	04/22/2017	172.25
00186951	05/11/2017	CRYSTAL SPRINGS Coffee/tea concessions.	P0095055	13123243041417	04/14/2017	178.27
00186952	05/11/2017	CULLIGAN Water Service/Fire	P0095044	201705672721	04/30/2017	198.47
00186953	05/11/2017	DATAQUEST LLC Background checks for voluntee	P0095059	2195	04/30/2017	107.50
00186954	05/11/2017	DEPT OF COMMERCE Principal PWTF Sewer Lk Line	P0094965	PWTF257759	04/28/2017	422,895.22
00186955	05/11/2017	DEPT OF ENTERPRISES SERVICES PRINTING NOTECARDS & ENVELOPES		73161823	05/03/2017	925.95
00186956	05/11/2017	DING, TAM QUY-THI PERMIT REFUND		DEV17006	05/08/2017	2,316.00
00186957	05/11/2017	DIRECT MATTERS Notice of Hearing Forms, #5472	P0094960	54721	04/27/2017	374.88
00186958	05/11/2017	DON SMALL & SONS OIL DIST CO INV 505208 OIL DELIVERY	P0095012	505208	04/21/2017	865.26
00186959	05/11/2017	DROLL LANDSCAPE ARCH, ROBERT W Island Crest Park South Field	P91615	1406511	02/25/2017	34,370.42
00186960	05/11/2017	DRUSCHBA, JOHN F mileage expense		OH008180	04/25/2017	68.48
00186961	05/11/2017	EFFICIENCY INC FTR Upgrade	P94652	2184	05/04/2017	3,844.50
00186962	05/11/2017	EMERALD SERVICES INC INV 73360714 USED OIL RECYCLIN	P0094980	73360714	04/17/2017	319.00
00186963	05/11/2017	EXCEL SUPPLY COMPANY INVENTORY PURCHASES	P0094925	85579	04/26/2017	664.16
00186964	05/11/2017	FAST WATER HEATER CO PERMIT REFUND		1704136	05/02/2017	41.60
00186965	05/11/2017	FELIX, JIM CDL ENDORSEMENT		OH008155	05/08/2017	102.00

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00186966	05/11/2017	FIRE PROTECTION INC COMPLIANCE ENGINE FEE FOR FIRE	P0095038	38239	05/01/2017	1,018.15
00186967	05/11/2017	FIRETRET Fire Training Tracker Fee/Supp	P0095043	294	05/03/2017	1,200.00
00186968	05/11/2017	FOWLER, MARTIN Fire Instructor 1 Class/Peters	P0094997	MERCERISLAND201 7	04/20/2017	250.00
00186969	05/11/2017	GC SYSTEMS INC. INV 4613 MAINTENANCE CREW PRV	P94308	4613	04/04/2017	5,654.00
00186970	05/11/2017	GEMPLER'S INC INVENTORY PURCHASES	P0094987	SI03365181/3803	05/01/2017	382.15
00186971	05/11/2017	GLOBAL EQUIPMENT CO 12CRI Thrift Shop workspace structur	P94578	110833170	03/27/2017	2,251.20
00186972	05/11/2017	GLOCK PROFESSIONAL INC Glock Model G22P - Red frame	P93192	SI0201377	02/28/2017	1,507.82
00186973	05/11/2017	GRAINGER INVENTORY PURCHASES	P0094867	9422937624	04/21/2017	1,125.32
00186974	05/11/2017	GRAND & BENEDICTS INC Operating supplies for Thrift	P93570	0874467IN	04/26/2017	247.73
00186975	05/11/2017	GRC/WW INV 17-11 C. LEYDE CROSS CONNE	P93712	1711	03/29/2017	3,250.00
00186976	05/11/2017	HAGSTROM, JAMES FRLEOFF1 Retiree Medical Expen	P0095050	OH008167	05/09/2017	85.62
00186977	05/11/2017	HAKOMORI, MITSUKO Instructor fee course #16929	P0094950	16929	05/01/2017	323.82
00186978	05/11/2017	HARNEY, NIGEL OVERPAYMENT REFUND		OH008147	05/05/2017	459.78
00186979	05/11/2017	HARNISH, CHRISTOPHER JAMES TRAINING EXPENSES		OH008139	05/05/2017	467.40
00186980	05/11/2017	HDR ENGINEERING INC BOOSTER CHLORINATION STATION	P89617	1200045459	04/10/2017	20,882.91
00186981	05/11/2017	HOME DEPOT CREDIT SERVICE LUMBER & HARDWARE	P0094961	0036660102743	05/03/2017	806.00
00186982	05/11/2017	HORIZON INV 3M227348 EXMARK IDLER PULL	P0095015	3M226871/7139	04/25/2017	8,744.18
00186983	05/11/2017	HUGHES FIRE EQUIPMENT INC Misc. Apparatus Parts/8610	P0094992	513219	04/21/2017	605.36
00186984	05/11/2017	IBS INC INVENTORY PURCHASES	P0094953	6427031	04/26/2017	374.20
00186985	05/11/2017	INTERNATIONAL CODE COUNCIL INC Dues/Rostov	P0094993	3145258	04/18/2017	135.00
00186986	05/11/2017	JAMES, SAVANNAH Rental 24095 complete. Returni	P0095056	24095	05/09/2017	400.00
00186987	05/11/2017	JEWISH COMMUNITY CENTER Campership for EA client KG to	P0094967	203567981	05/02/2017	300.00
00186988	05/11/2017	JOHNSON JR, MARV Instructor fees course #16914	P0095054	16914	05/10/2017	1,057.00
00186989	05/11/2017	KAMINS CONSTRUCTION RETAINAGE	P92688	RETAINAGE	05/04/2017	1,073.52
00186990	05/11/2017	KASER, MICHAEL ACCIS CONFERENCE MILEAGE		OH008141	05/08/2017	291.04
00186991	05/11/2017	KC HOUSING AUTHORITY Rental assistance for EA clien	P93574	OH008156	05/03/2017	410.00

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00186992	05/11/2017	KC HOUSING AUTHORITY Rental assistance for EA clien	P93574	OH008157	05/03/2017	164.00
00186993	05/11/2017	KING COUNTY FINANCE Alternative Transit Service pe	P0095021	65408	03/31/2017	24,097.30
00186994	05/11/2017	KRAZAN & ASSOCIATES INC INV 608565-5832 WMW PH1	P0094978	I6085655832	03/31/2017	472.50
00186995	05/11/2017	KROESENS UNIFORM COMPANY Uniform/Kenworthy	P0094988	43913	04/21/2017	456.32
00186996	05/11/2017	LATITUDE GEOGRAPHICS GROUP LTD GEOCORTEX ESSENTIALS MAINTENAN	P0094938	INV0005874	04/24/2017	4,051.50
00186997	05/11/2017	LAVELLE VAC & DRAINAGE LLC 2014 PS 17 LAKE LINE CLEANING	P94072	170147	03/31/2017	11,557.70
00186998	05/11/2017	LEVINSON, GREGORY S PER DIEM REIMB		OH008154	05/08/2017	412.26
00186999	05/11/2017	LIFE ASSIST INC Return/ALS Extreme Pack	P0095046	OH008168	05/02/2017	775.97
00187000	05/11/2017	LN CURTIS & SONS Standpipe Bags	P0095045	INV97532/97751	04/27/2017	1,064.01
00187001	05/11/2017	LONG BUILDING TECHNOLOGIES INC FS92 HVAC CONTROL SYSTEM ADJUS	P0095003	SRVCE0083003	04/22/2017	361.90
00187002	05/11/2017	MAGNAS LLC MONTHLY LONG DISTANCE JAN-DEC	P93438	OH008158	04/30/2017	231.90
00187003	05/11/2017	MERCER ISLAND HIGH SCHOOL On site music & PA for 5/13/17	P0095031	RUNLIKEAGIRL	05/02/2017	500.00
00187004	05/11/2017	MERIDIAN CENTER ELECTRIC PERMIT REFUND		1704189	05/02/2017	96.80
00187005	05/11/2017	MI CHAMBER OF COMMERCE May Membership Luncheon (Taylo	P0095033	3040	05/08/2017	15.00
00187006	05/11/2017	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		OH008173	05/12/2017	148.75
00187007	05/11/2017	MI HARDWARE - BLDG MISC. HARDWARE FOR THE MONTH O	P0094984	OH008163	04/30/2017	63.97
00187008	05/11/2017	MI HARDWARE - FIRE Household Supplies	P0094991	OH008164	04/30/2017	96.35
00187009	05/11/2017	MI HARDWARE - P&R MICEC misc supplies	P0095039	OH008169	04/30/2017	55.17
00187010	05/11/2017	MI HARDWARE - ROW MISC. HARDWARE FOR THE MONTH O	P0094985	OH008162	04/30/2017	284.65
00187011	05/11/2017	MI HARDWARE - UTILITY MISC. HARDWARE FOR THE MONTH O	P0094986	OH008161	04/30/2017	59.40
00187012	05/11/2017	MI SCHOOL DISTRICT #400 2017 Operational support for M	P93750	2017408	05/08/2017	12,828.14
00187013	05/11/2017	MI UTILITY BILLS PAYMENT OF UTILITY BILLS FOR W	P0094975	OH008160	04/30/2017	853.26
00187014	05/11/2017	MICHAEL SKAGGS ASSOCIATES JANITORIAL SERVICES CCMV APRIL	P0095041	17214	04/30/2017	10,720.98
00187015	05/11/2017	MOBERLY AND ROBERTS Professional services - Invoic	P0095016	673	05/01/2017	6,000.00
00187016	05/11/2017	NAPA AUTO PARTS 2017 FLEET REPAIR PARTS AND	P93483	OH008178	04/30/2017	1,542.73
00187017	05/11/2017	NATIONAL SAFETY INC GAS DETECTORS	P0094952	0468131IN	04/26/2017	4,222.91

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187018	05/11/2017	NORCOM 911 FIRE DISPATCH 2017	P93734	0000376	04/01/2017	195,177.75
00187019	05/11/2017	NORTH LAKE MARINA- MARINE PATROL ENGINE 300 XLB Q	P93896	1105	05/01/2017	63,357.98
00187020	05/11/2017	NORTHWEST TRAFFIC INC 2016 RETIANGE FOR LINE 3	P87155	RETAINAGE	05/08/2017	2,226.15
00187021	05/11/2017	NW FIRE INVESTIGATORS Forensic Photography Class/Mai	P0094973	170428037	04/28/2017	425.00
00187022	05/11/2017	OVERLAKE OIL INV 183183 2017 UNLEADED AND	P93482	0183076IN	04/20/2017	6,281.82
00187023	05/11/2017	OWEN EQUIPMENT COMPANY INV 83517 FL-0388 REPAIRS	P0095011	00083724/83517	03/30/2017	13,298.62
00187024	05/11/2017	PACIFIC AIR CONTROL INC CITY HALL BOILER REPAIR	P0094909	2358	04/14/2017	521.40
00187025	05/11/2017	PACIFIC RIM EQUIPMENT RENTAL LAWN THATCHER RENTAL	P0094895	19266	04/18/2017	204.79
00187026	05/11/2017	PANGBORN, JIM WATCH BATTERIES		OH008140	03/31/2017	36.81
00187027	05/11/2017	PARENTMAP April web ad for Parentmap	P0094951	2017CI532	04/30/2017	950.00
00187028	05/11/2017	PART WORKS INC. plumbing parts	P0095037	INV12174	04/26/2017	330.57
00187029	05/11/2017	PNTA Smoke Machine Repair	P93720	6068859IN	04/27/2017	607.70
00187030	05/11/2017	PRAXAIR DISTRIBUTION INC INV 71457389 ACETYLENE AND OXY	P0095071	77209428	04/30/2017	51.58
00187031	05/11/2017	PREMIER CABLING LLC Public Works Wiring Closet Rel	P0094887	1504	04/13/2017	328.50
00187032	05/11/2017	PRO-VAC INV 170210-002 CCTV CB CLEANIN	P0094885	170103028	02/02/2017	63,337.02
00187033	05/11/2017	PUBLIC SAFETY SELECTION PC Post Hire Psych for Hammer and	P0094926	3477	03/15/2017	750.00
00187034	05/11/2017	PUGET SOUND ENERGY ENERGY USE MAY 2017		OH008143	05/01/2017	3,607.77
00187035	05/11/2017	QUAN, DORIS OVERPAYMENT REFUND		OH008148	05/04/2017	160.54
00187036	05/11/2017	RELX INC DBA LEXISNEXIS Library Subscriptions - Invoic	P0095017	3090920923	04/30/2017	317.90
00187037	05/11/2017	REMOTE SATELLITE SYSTEMS INT'L Monthly Service (Invoice #:	P0094901	00087488	04/08/2017	48.95
00187038	05/11/2017	REPUBLIC SERVICES #172 2017 ROW DISPOSAL/RECYCLING 45	P94317	0172007054580	03/31/2017	15,530.11
00187039	05/11/2017	RICOH USA INC Cost Per Copy/Fire	P0094994	5048233193	04/25/2017	119.63
00187040	05/11/2017	RKK CONSTRUCTION OVERPAYMENT REFUND		OH008152	05/03/2017	328.17
00187041	05/11/2017	ROSENSTEIN, SUSIE Instructor fees course #17073	P0094922	17073/16433	04/27/2017	780.00
00187042	05/11/2017	S3 MARITIME LLC INV 15005 PATROL 11 NEW ENGINE	P94036	15005	04/19/2017	17,892.19
00187043	05/11/2017	SAFEGUARD BUSINESS SYSTEMS INC Check stock, #032108221	P0094956	032108221	04/11/2017	278.79

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00187044	05/11/2017	SCHOCK, MICHAEL WSDA PESTICIDE LISCENCE RENEWA		OH008142	05/02/2017	33.00
00187045	05/11/2017	SCORE Jail Costs-Other Jails	P0094902	2446	04/10/2017	4,554.20
00187046	05/11/2017	SEATTLE AUTOMOTIVE DIST INC Misc. Apparatus Parts	P0094931	S11893885/928735	03/23/2017	90.88
00187047	05/11/2017	SEATTLE PUMP INV 17-1518 LEADER HOSE	P0094979	171518	04/07/2017	392.71
00187048	05/11/2017	SEATTLE UNIVERSITY Fair and Impartial Criminal Ju	P0095014	OH008166	03/28/2017	650.00
00187049	05/11/2017	SEELIG PROPERTIES LLC OVERPAYMENT REFUND		OH008151	05/03/2017	448.31
00187050	05/11/2017	SKYLINE COMMUNICATIONS INC EOC INTERNET SERVICE	P0095053	IN42923	05/01/2017	206.55
00187051	05/11/2017	SOREANO'S PLUMBING INC ADA toilet repair	P0095036	40145	04/26/2017	509.69
00187052	05/11/2017	SOUND PLAY INC MALLETS FOR PLAY GROUND EQUIPM	P0094916	00008845	04/19/2017	233.60
00187053	05/11/2017	SOUND SAFETY PRODUCTS SAFETY BOOTS & MISC. WORK CLOT	P0094862	217665	03/31/2017	345.27
00187054	05/11/2017	SOUND TRANSIT Records Request - Sound Transi	P0095048	OH008165	05/09/2017	3.75
00187055	05/11/2017	STERICYCLE INC On-Call Charges/Fire	P0095047	3003833154	04/30/2017	10.36
00187056	05/11/2017	STRANGER, THE Advertising for Thrift Shop -	P0094817	417BA592/OE677/	04/13/2017	600.00
00187057	05/11/2017	STRONG, ELIZABETH JANE Artist payment/75% gallery sho	P0095035	OH008170	05/09/2017	254.25
00187058	05/11/2017	SUNDSTROM, ROBERT Instructor fees Birding Trip	P0094923	OH008138	02/16/2017	681.55
00187059	05/11/2017	SUNTRUST EQUIPMENT FINANCE Lease Payment - 2012 Pierce	P0094921	1623456	04/17/2017	70,715.48
00187060	05/11/2017	SYSTEMS DESIGN WEST LLC Transport Billing Fees	P0094995	MIFD0417	04/27/2017	1,021.87
00187061	05/11/2017	TERO CONSULTING LTD INV 5125 ANNUAL SUPPORT 6/1/20	P0095013	5125	04/25/2017	6,625.00
00187062	05/11/2017	TRAFFIC SAFETY SUPPLY STREET SIGNS	P0095000	126940	05/03/2017	358.39
00187063	05/11/2017	TRI-TEC COMMUNICATIONS INC Additional Phone, License	P0094886	623698	04/14/2017	604.99
00187064	05/11/2017	TRINITY CONTRACTORS INC ROADSIDE SHOULDER IMPROVEMENTS	P93290	#4	04/30/2017	21,208.07
00187065	05/11/2017	TRU MECHANICAL INC LB ADMIN ICED UP HVAC UNIT	P0094908	4921	04/21/2017	817.85
00187066	05/11/2017	TUSCAN ENTERPRISES INC Plaquards/Lettering Multiple	P0094932	556873	04/20/2017	291.50
00187067	05/11/2017	UNDERWATER SPORTS INC. Pony bracket- Inv 20013297	P0095067	20013528	05/06/2017	1,177.23
00187068	05/11/2017	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		OH008174	05/12/2017	230.00
00187069	05/11/2017	UTILITIES UNDERGROUND LOCATION 2017 UTILITY EXCAVATION	P0094977	7040165	04/30/2017	381.84

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187070	05/11/2017	VELAMOOR, GAUTAM PERMIT REFUND		1307191	05/03/2017	402.40
00187071	05/11/2017	VERIZON WIRELESS 2017 PUBLIC WORKS CELLULAR SER	P94553	9784390740	04/21/2017	1,271.37
00187072	05/11/2017	VERIZON WIRELESS Cell Charges/Fire	P0095034	9784472021	04/23/2017	2,646.40
00187073	05/11/2017	WA ST DEPT OF TRANSPORTATION INV RE JA6287 L023 SAND AND SA	P0094850	RE41JA9498L005	04/17/2017	870.39
00187074	05/11/2017	WA ST PATROL Fuel for E93 at Training Class	P0094996	F1700192	04/21/2017	102.68
00187075	05/11/2017	WA ST TREASURER'S OFFICE Remit MI Court Transmittal APR	P0095028	OH008171	04/30/2017	23,678.95
00187076	05/11/2017	WA ST TREASURER'S OFFICE Remit NC Court Transmittal APR	P0095049	OH008172	04/30/2017	3,300.26
00187077	05/11/2017	WASHINGTON FIRE CHIEFS EVIP Train the Trainer Course	P0094990	8986	04/28/2017	100.00
00187078	05/11/2017	WASHINGTON STATE PATROL CPL background checks	P0095060	I17007604	05/10/2017	36.00
00187079	05/11/2017	WASHINGTON2 ADVOCATES LLC April 2017 I-90 Loss of Mobili	P0094974	5808	04/30/2017	10,000.00
00187080	05/11/2017	WASPC SACOP trip	P0095063	INV027749	05/01/2017	611.98
00187081	05/11/2017	WESCOM Radar repairs Inv #22695	P0095018	22695	04/24/2017	320.10
00187082	05/11/2017	WEST COAST SIGNAL INC INV 2040 SUNSET HWY	P0094851	2040	04/13/2017	561.38
00187083	05/11/2017	WESTERN EQUIPMENT DISTRIBUTORS INV 8020728 STARTER REPAIR PAR	P0095068	802072800	04/07/2017	203.51
00187084	05/11/2017	WHITEHEAD & ASSOC LLC, RICHARD New Detective Training Course	P0094900	1047	03/25/2017	499.00
00187085	05/11/2017	WILLIAMS KASTNER & GIBBS PLLC Professional Services - Invoic	P0094929	550955	04/18/2017	3,447.10
00187086	05/11/2017	XEROX CORPORATION April Copier Costs #089055715	P93563	189055711	05/01/2017	2,376.18
00187087	05/11/2017	XEROX CORPORATION PRINTER SUPPLIES		230049778	05/01/2017	702.55
00187088	05/11/2017	ZEE MEDICAL FIRST AID SUPPLIES	P0094874	68333980	04/04/2017	70.18

Total 1,231,685.71

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 001000 - General Fund-Admin Key</i>				
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	9,141.50
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	5,305.25
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	4,213.34
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	1,712.05
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	1,264.40
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	932.71
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	855.14
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	613.68
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	529.67
P0095056	00186986	JAMES, SAVANNAH	Rental 24095 complete. Return	400.00
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	343.10
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	315.46
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	305.54
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	305.51
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	231.46
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	122.21
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	122.21
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	115.38
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	97.08
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	96.04
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	92.78
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	70.14
P0095028	00187075	WA ST TREASURER'S OFFICE	Remit MI Court Transmittal APR	60.53
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	45.87
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	43.85
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	27.18
P0095049	00187076	WA ST TREASURER'S OFFICE	Remit NC Court Transmittal APR	17.13
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0094925	00186963	EXCEL SUPPLY COMPANY	INVENTORY PURCHASES	664.16
P0094958	00186937	CERTIFIED LABORATORIES	INVENTORY PURCHASES	557.42
	00186978	HARNEY, NIGEL	OVERPAYMENT REFUND	459.78
	00187049	SEELIG PROPERTIES LLC	OVERPAYMENT REFUND	448.31
	00186926	BANCHERO III, JOHN STEPHAN	OVERPAYMENT REFUND	378.40
	00187040	RKK CONSTRUCTION	OVERPAYMENT REFUND	328.17
P0094953	00186984	IBS INC	INVENTORY PURCHASES	374.20
P0094987	00186970	GEMPLER'S INC	INVENTORY PURCHASES	323.15
P0095000	00187062	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	271.54
	00187035	QUAN, DORIS	OVERPAYMENT REFUND	160.54
P0094937	00186973	GRAINGER	INVENTORY PURCHASES	137.29
P0094917	00186973	GRAINGER	INVENTORY PURCHASES	134.01
P0094964	00186973	GRAINGER	INVENTORY PURCHASES	106.39
P0094918	00186973	GRAINGER	INVENTORY PURCHASES	102.20
<i>Org Key: 814072 - United Way</i>				
	00187068	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	230.00
<i>Org Key: 814074 - Garnishments</i>				
	00186939	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00187006	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	148.75
<i>Org Key: CA1100 - Administration (CA)</i>				
P0095017	00187036	RELX INC DBA LEXISNEXIS	Library Subscriptions - Invoic	317.90
P0094959	00186924	AWC	AWC Conference - Invoice No. 5	185.00
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	38.68
	00186955	DEPT OF ENTERPRISES SERVICES	BUSINESS CARD PRINTING	21.63
<i>Org Key: CA1200 - Prosecution & Criminal Mngmnt</i>				
P0095016	00187015	MOBERLY AND ROBERTS	Professional services - Invoic	6,000.00
<i>Org Key: CM1100 - Administration (CM)</i>				
P0095033	00187005	MI CHAMBER OF COMMERCE	May Membership Luncheon (Taylo	15.00
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	13.90
<i>Org Key: CM11SP - Special Projects-City Mgr</i>				
P0094974	00187079	WASHINGTON2 ADVOCATES LLC	April 2017 I-90 Loss of Mobili	10,000.00
P0095048	00187054	SOUND TRANSIT	Records Request - Sound Transi	3.75
<i>Org Key: CM1200 - City Clerk</i>				
P0094944	00186943	CODE PUBLISHING CO	MICC Code Update 04/17/17	265.54
<i>Org Key: CM1300 - Sustainability</i>				
P0094968	00186935	CEDAR GROVE COMPOSTING INC	Organic Waste Service April 20	26.70
P0094968	00186935	CEDAR GROVE COMPOSTING INC	Organic Waste Service April 20	26.70
<i>Org Key: CR1100 - CORe Admin and Human Resources</i>				
P0094926	00187033	PUBLIC SAFETY SELECTION PC	Post Hire Psych for Hammer and	750.00
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	12.00
<i>Org Key: CT1100 - Municipal Court</i>				
P0094960	00186957	DIRECT MATTERS	Notice of Hearing Forms, #5472	374.88
P0094956	00187043	SAFEGUARD BUSINESS SYSTEMS INC	Check stock, #032108221	278.79
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	183.10
P0094954	00187086	XEROX CORPORATION	April Copier Costs #089055715	160.30
<i>Org Key: DS0000 - Development Services-Revenue</i>				
	00186956	DING, TAM QUY-THI	PERMIT REFUND	2,200.00
	00186938	CHAPPELL, MARC	PERMIT REFUND	1,407.00
	00186938	CHAPPELL, MARC	PERMIT REFUND	435.20
	00186919	ALPHA AND OMEGA ELECTRIC	PERMIT REFUND	155.36
	00186942	COCHRAN INC	PERMIT REFUND	96.80
	00187004	MERIDIAN CENTER ELECTRIC	PERMIT REFUND	96.80
	00186956	DING, TAM QUY-THI	PERMIT REFUND	66.00
	00186956	DING, TAM QUY-THI	PERMIT REFUND	50.00
	00186964	FAST WATER HEATER CO	PERMIT REFUND	41.60
	00186938	CHAPPELL, MARC	PERMIT REFUND	18.09
	00186938	CHAPPELL, MARC	PERMIT REFUND	13.05
<i>Org Key: DS1100 - Administration (DS)</i>				
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	38.70
<i>Org Key: FN1100 - Administration (FN)</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	24.00
<i>Org Key: FR1100 - Administration (FR)</i>				
P0094995	00187060	SYSTEMS DESIGN WEST LLC	Transport Billing Fees	1,021.87
P0094933	00186995	KROESEENS UNIFORM COMPANY	Uniform/Kenworthy	346.39
P0095044	00186952	CULLIGAN	Water Service/Fire	198.47
	00186936	CENTURYLINK	PHONE USE MAY 2017	168.06
P0094994	00187039	RICOH USA INC	Cost Per Copy/Fire	119.63
P0094991	00187008	MI HARDWARE - FIRE	Household Supplies	96.35
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	50.69
<i>Org Key: FR2100 - Fire Operations</i>				
P93585	00187018	NORCOM 911	FIRE DISPATCH 2017	39,018.00
P0094998	00187072	VERIZON WIRELESS	Cell Charges/Fire	926.01
P0094992	00186983	HUGHES FIRE EQUIPMENT INC	Misc. Apparatus Parts/8610	605.36
P0094932	00187066	TUSCAN ENTERPRISES INC	Plaquards/Lettering Multiple	291.50
P0094988	00186995	KROESEENS UNIFORM COMPANY	Uniforms/Munro	109.93
P0094931	00187046	SEATTLE AUTOMOTIVE DIST INC	Misc. Apparatus Parts	90.88
<i>Org Key: FR2400 - Fire Suppression</i>				
P0095045	00187000	LN CURTIS & SONS	Standpipe Bags	1,064.01
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P0095046	00186999	LIFE ASSIST INC	Aid Supplies	548.66
P0095046	00186999	LIFE ASSIST INC	Aid Supplies	546.22
P0095046	00186999	LIFE ASSIST INC	Aid Supplies	245.41
P0095042	00186918	AIRGAS USA LLC	Oxygen/Fire	109.90
P0095046	00186999	LIFE ASSIST INC	Aid Supplies	81.84
P0095047	00187055	STERICYCLE INC	On-Call Charges/Fire	10.36
P0095046	00186999	LIFE ASSIST INC	Return/ALS Extreme Pack	-646.16
<i>Org Key: FR4100 - Training</i>				
P0095043	00186967	FIRETREX	Fire Training Tracker Fee/Supp	1,200.00
P93720	00187029	PNTA	Smoke Machine Repair	607.70
P0094997	00186968	FOWLER, MARTIN	Fire Instructor 1 Class/Peters	250.00
P0094990	00187077	WASHINGTON FIRE CHIEFS	EVIP Train the Trainer Course	100.00
<i>Org Key: FR5100 - Community Risk Reduction</i>				
P0094973	00187021	NW FIRE INVESTIGATORS	Forensic Photography Class/Mai	425.00
P0094993	00186985	INTERNATIONAL CODE COUNCIL INC	Dues/Rostov	135.00
	00186955	DEPT OF ENTERPRISES SERVICES	BUSINESS CARD PRINTING	43.22
<i>Org Key: GDI503 - Interest-Equip Rental</i>				
P0094921	00187059	SUNTRUST EQUIPMENT FINANCE	Lease Payment - 2012 Pierce	9,666.31
<i>Org Key: GDP503 - Principal - Equip Rental</i>				
P0094921	00187059	SUNTRUST EQUIPMENT FINANCE	Lease Payment - 2012 Pierce	61,049.17
<i>Org Key: GGM001 - General Government-Misc</i>				
P94652	00186961	EFFICIENCY INC	FTR Upgrade	3,844.50
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	1,773.69
	00186955	DEPT OF ENTERPRISES SERVICES	PRINTING NOTECARDS & ENVELOPES	753.03

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	230.15
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	141.55
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	100.77
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	50.70
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	10.98
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
P0095050	00186976	HAGSTROM, JAMES	FRLEOFF1 Retiree Medical Expen	85.62
<i>Org Key: IGBE01 - MI Pool Operation Subsidy</i>				
P93880	00187012	MI SCHOOL DISTRICT #400	2017 Operational support for M	10,913.50
<i>Org Key: IS1100 - IGS Mapping</i>				
P0094938	00186996	LATITUDE GEOGRAPHICS GROUP LTD	GEOCORTEX ESSENTIALS	4,051.50
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00186936	CENTURYLINK	PHONE USE MAY 2017	491.29
P0095052	00186916	ACCESS	PICK UP AND DELIVERY OF BLACK	395.29
P0094887	00187031	PREMIER CABLING LLC	Public Works Wiring Closet Rel	328.50
	00186990	KASER, MICHAEL	ACCIS CONFERENCE MILEAGE	291.04
P93438	00187002	MAGNAS LLC	MONTHLY LONG DISTANCE JAN-DEC	231.90
P0095051	00187072	VERIZON WIRELESS	IGS WIFI, IGS LOANER IGS MDC1	160.04
	00186936	CENTURYLINK	PHONE USE APR 2017	103.50
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	12.00
<i>Org Key: MT2100 - Roadway Maintenance</i>				
	00187034	PUGET SOUND ENERGY	ENERGY USE MAY 2017	3,607.77
P0094852	00187073	WA ST DEPT OF TRANSPORTATION	INV RE JA6287 L023 SAND AND SA	838.34
P0094913	00186973	GRAINGER	DELINEATOR POST 36" WHITE	435.16
P0094928	00186981	HOME DEPOT CREDIT SERVICE	LUMBER & HARDWARE	229.55
P0094963	00187062	TRAFFIC SAFETY SUPPLY	STREET SIGNS	86.85
P0094987	00186970	GEMPLER'S INC	SHIPPING SAVER	59.00
P0094985	00187010	MI HARDWARE - ROW	MISC. HARDWARE FOR THE MONTH O	61.15
P0094986	00187011	MI HARDWARE - UTILITY	MISC. HARDWARE FOR THE MONTH O	49.52
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT2200 - Vegetation Maintenance</i>				
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0094985	00187010	MI HARDWARE - ROW	MISC. HARDWARE FOR THE MONTH O	223.50
P0094975	00187013	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	195.17
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.21
<i>Org Key: MT2500 - ROW Administration</i>				
P94317	00187038	REPUBLIC SERVICES #172	2017 ROW DISPOSAL/RECYCLING 45	6,536.60
P94277	00187038	REPUBLIC SERVICES #172	ACCT 172-883826 2017 ANNUAL SW	1,004.33
P0094947	00187053	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	175.49
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	16.84
<i>Org Key: MT3100 - Water Distribution</i>				
P94308	00186969	GC SYSTEMS INC.	INV 4613 MAINTENANCE CREW PRV	5,654.00
P94073	00186914	AA ASPHALTING INC	INV 85434 UTILITY PATCHING	2,388.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0094952	00187017	NATIONAL SAFETY INC	GAS DETECTORS	574.20
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT3150 - Water Quality Event</i>				
P93712	00186975	GRC/WW	INV 17-11 C. LEYDE CROSS CONNE	3,250.00
P0094850	00187073	WA ST DEPT OF TRANSPORTATION	INV RE41 JA9498 L005 WATER SUP	32.05
<i>Org Key: MT3200 - Water Pumps</i>				
	00186936	CENTURYLINK	PHONE USE MAY 2017	238.76
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.21
<i>Org Key: MT3300 - Water Associated Costs</i>				
P94317	00187038	REPUBLIC SERVICES #172	2017 WATER DISPOSAL/RECYCLING	726.29
	00187070	VELAMOOD, GAUTAM	PERMIT REFUND	402.40
	00186965	FELIX, JIM	CDL ENDORSEMENT	102.00
	00186960	DRUSCHBA, JOHN F	mileage expense	68.48
	00186955	DEPT OF ENTERPRISES SERVICES	BUSINESS CARD PRINTING	43.22
<i>Org Key: MT3400 - Sewer Collection</i>				
P0094952	00187017	NATIONAL SAFETY INC	GAS DETECTORS	1,537.25
P0094979	00187047	SEATTLE PUMP	INV 17-1518 LEADER HOSE	392.71
P0094986	00187011	MI HARDWARE - UTILITY	MISC. HARDWARE FOR THE MONTH O	9.88
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0094952	00187017	NATIONAL SAFETY INC	GAS DETECTORS	1,537.26
P94553	00187071	VERIZON WIRELESS	PS 18 & 24 WIRELESS SERVICE	78.04
P0094975	00187013	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	32.53
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P94317	00187038	REPUBLIC SERVICES #172	2017 SEWER DISPOSAL/RECYCLING	726.29
<i>Org Key: MT3800 - Storm Drainage</i>				
P0094863	00187032	PRO-VAC	INV 170216-029 CCTV STORM	4,438.00
P0095010	00186929	BEST PARKING LOT CLEANING INC	INV V156586 2017-18 CCTV	3,764.85
P0095010	00186929	BEST PARKING LOT CLEANING INC	INV V156584 2017-18 CCTV ON-CA	2,755.00
P0094863	00187032	PRO-VAC	INV 170217-027 CCTV STORM	2,680.00
P0095010	00186929	BEST PARKING LOT CLEANING INC	INV V156500 2017-18 CCTV ON-C	2,450.05
P0095010	00186929	BEST PARKING LOT CLEANING INC	INV 156520 2017-18 CCTV ON-CAL	2,116.60
P0094854	00187032	PRO-VAC	INV 170210-002 CCTV CB CLEANIN	1,877.50
P0094952	00187017	NATIONAL SAFETY INC	GAS DETECTORS	574.20
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0095013	00187061	TERO CONSULTING LTD	INV 5125 ANNUAL SUPPORT 6/1/20	6,625.00
P93481	00187071	VERIZON WIRELESS	2017 PUBLIC WORKS CELLULAR SER	1,193.33
P94314	00187086	XEROX CORPORATION	2017 COPIER 7845 BASE /METER	572.94
P0094977	00187069	UTILITIES UNDERGROUND LOCATION	2017 UTILITY EXCAVATION	381.84
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	141.24
P93757	00186945	COMCAST	2017 ANNUAL PW WI-FI SERVICE	95.90
P94425	00186950	CRYSTAL AND SIERRA SPRINGS	2017 ANNUAL PO FOR WATER DELIV	77.19
	00186955	DEPT OF ENTERPRISES SERVICES	BUSINESS CARD PRINTING	43.22

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT4200 - Building Services</i>				
P0095041	00187014	MICHAEL SKAGGS ASSOCIATES	JANITORIAL CITY BLDGS APRIL 20	4,205.66
P0094975	00187013	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	625.56
P0094909	00187024	PACIFIC AIR CONTROL INC	CITY HALL BOILER REPAIR	521.40
P0095038	00186966	FIRE PROTECTION INC	FIRE & SECURITY MONITORING	399.00
P0095003	00187001	LONG BUILDING TECHNOLOGIES INC	FS92 HVAC CONTROL SYSTEM ADJUS	361.90
P0095001	00186949	CRAWFORD DOOR COMPANY	FS92 APP BAY DOOR ADJUSTMENT	274.43
P0095002	00186948	CONTRACT HARDWARE	CITY HALL DOOR LOCK CYLINDER	90.53
P0094984	00187007	MI HARDWARE - BLDG	MISC. HARDWARE FOR THE MONTH O	63.97
P0094936	00186981	HOME DEPOT CREDIT SERVICE	MISC. LUMBER	45.25
P0095007	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE FEE FOR FIRE	30.00
P0095008	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE FEE FOR FIRE	30.00
P0095005	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE FEE FOR FIRE	20.00
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.21
<i>Org Key: MT4210 - Building Landscaping</i>				
P94317	00187038	REPUBLIC SERVICES #172	2017 FACILITIES DISPOSAL/RECYC	726.29
<i>Org Key: MT4300 - Fleet Services</i>				
P0095011	00187023	OWEN EQUIPMENT COMPANY	INV 83517 FL-0388 REPAIRS	13,102.72
P93482	00187022	OVERLAKE OIL	INV 183183 2017 UNLEADED AND	3,019.61
P0095070	00186923	AUTONATION INC	REPAIR PARTS	2,862.18
P93750	00187012	MI SCHOOL DISTRICT #400	2017 SCHOOL DISTRICT SITE FUEL	1,914.64
P93482	00187022	OVERLAKE OIL	INV 183183 2017 UNLEADED AND	1,649.97
P93482	00187022	OVERLAKE OIL	INV 183183 2017 UNLEADED AND	1,612.24
P93483	00187016	NAPA AUTO PARTS	2017 FLEET REPAIR PARTS AND	1,542.73
P0095012	00186958	DON SMALL & SONS OIL DIST CO	INV 505208 OIL DELIVERY	865.26
P0094980	00186962	EMERALD SERVICES INC	INV 73360714 USED OIL RECYCLIN	319.00
P0095068	00187083	WESTERN EQUIPMENT DISTRIBUTORS	INV 8020728 STARTER REPAIR PAR	203.51
P0095011	00187023	OWEN EQUIPMENT COMPANY	INV 83724 STRAINER	195.90
P0094946	00186973	GRAINGER	AIR REGULATORS	166.01
P0094996	00187074	WA ST PATROL	Fuel for E93 at Training Class	102.68
P0094976	00186982	HORIZON	INV 3M227348 EXMARK IDLER PULL	79.88
P0094923	00187058	SUNDSTROM, ROBERT	Instructor fees Birding Trip	78.11
P0095071	00187030	PRAXAIR DISTRIBUTION INC	INV 71457389 ACETYLENE AND OXY	51.58
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.21
<i>Org Key: MT4501 - Water Administration</i>				
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	971.58
<i>Org Key: MT4502 - Sewer Administration</i>				
P0094965	00186954	DEPT OF COMMERCE	Principal PWTF Sewer Lk Line	402,757.35
P0094965	00186954	DEPT OF COMMERCE	Interest PWTF Sewer Lk Line	20,137.87
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	971.58
<i>Org Key: MT4503 - Storm Water Administration</i>				
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	971.58
<i>Org Key: MTBE01 - Maint of Medians & Planters</i>				
P93486	00186927	BECKWITH CONSULTING GROUP	ECONOMIC DEVELOPMENT GRANT	7,200.00
P0094851	00187082	WEST COAST SIGNAL INC	INV 2040 SUNSET HWY	561.38
P0095015	00186982	HORIZON	IRRIGATION FITTINGS	534.53

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PO1100 - Administration (PO)</i>				
P0094969	00187072	VERIZON WIRELESS	Cell phone bill April	1,176.07
P0094904	00186934	CDW GOVERNMENT INC	Surfacebook w/Dock and Warrant	928.38
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	917.61
P0095014	00187048	SEATTLE UNIVERSITY	Fair and Impartial Criminal Ju	650.00
P0095063	00187080	WASPC	SACOP trip	611.98
P0094906	00186934	CDW GOVERNMENT INC	Fujitsu Scansnap IX500 Doc Sca	488.48
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	145.31
<i>Org Key: PO1350 - Police Emergency Management</i>				
P0094886	00187063	TRI-TEC COMMUNICATIONS INC	Additional Phone, License	604.99
P0095053	00187050	SKYLINE COMMUNICATIONS INC	EOC INTERNET SERVICE	206.55
P0094901	00187037	REMOTE SATELLITE SYSTEMS INT'L	Monthly Service (Invoice #:	48.95
P0095059	00186953	DATAQUEST LLC	EMAC volunteer background chec	43.00
<i>Org Key: PO1700 - Records and Property</i>				
P0094972	00187086	XEROX CORPORATION	Admin copier	528.94
P0094907	00186934	CDW GOVERNMENT INC	Fujitsu Scansnap IX500 Doc Sca	488.48
P0094972	00187086	XEROX CORPORATION	Records copier	219.61
P0095019	00186947	CONFIDENTIAL DATA DISPOSAL	Shredding	175.00
P0095060	00187078	WASHINGTON STATE PATROL	CPL background checks	36.00
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	12.00
<i>Org Key: PO1800 - Contract Dispatch Police</i>				
P93734	00187018	NORCOM 911	POLICE DISPATCH 2017	156,159.75
<i>Org Key: PO1900 - Jail/Home Monitoring</i>				
P0094902	00187045	SCORE	Jail Costs-Other Jails	4,554.20
<i>Org Key: PO2100 - Patrol Division</i>				
P0095018	00187081	WESCOM	Radar repairs Inv #22695	320.10
P0094821	00186921	ASTRAL COMMUNICATIONS INC	Modem Antenna 424	239.81
P0094970	00186940	CLEANERS PLUS 1	Patrol uniform cleaning	124.50
<i>Org Key: PO2200 - Marine Patrol</i>				
	00186998	LEVINSON, GREGORY S	PER DIEM REIMB	352.00
	00186998	LEVINSON, GREGORY S	MILEAGE, PARKING FEE, TOLL FEE	60.26
<i>Org Key: PO2201 - Dive Team</i>				
P0095067	00187067	UNDERWATER SPORTS INC.	Auga equipment Inv #20013528	564.19
P0094919	00187067	UNDERWATER SPORTS INC.	Class tuition #6015729	323.75
P0094971	00187067	UNDERWATER SPORTS INC.	Pony bracket- Inv 20013297	198.14
P0094919	00187067	UNDERWATER SPORTS INC.	Dive equip #6015654	51.55
P0094919	00187067	UNDERWATER SPORTS INC.	Dive knife #20013421	39.60
<i>Org Key: PO4300 - Police Training</i>				
P93192	00186972	GLOCK PROFESSIONAL INC	Glock Model G22P - Red frame	1,507.82
P0094900	00187084	WHITEHEAD & ASSOC LLC, RICHARD	New Detective Training Course	499.00
<i>Org Key: PR0000 - Parks & Recreation-Revenue</i>				
P0095035	00187057	STRONG, ELIZABETH JANE	Artist payment/75% gallery sho	254.25
<i>Org Key: PR1100 - Administration (PR)</i>				
P93829	00187086	XEROX CORPORATION	2017 - Lease Charges for LB Ad	143.64

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00186936	CENTURYLINK	PHONE USE MAY 2017	51.36
P93829	00187086	XEROX CORPORATION	Use charge 3/21/17 to 4/21/17	14.97
<i>Org Key: PR2100 - Recreation Programs</i>				
P0095054	00186988	JOHNSON JR, MARV	Instructor fees course #16914	1,057.00
P0094951	00187027	PARENTMAP	April web ad for Parentmap	950.00
P0094923	00187058	SUNDSTROM, ROBERT	Instructor fees Birding Trip	603.44
P0094950	00186977	HAKOMORI, MITSUKO	Instructor fee course #16929	323.82
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	11.99
<i>Org Key: PR2104 - Special Events</i>				
P0095030	00186915	AABCO BARRICADE COMPANY INC	Lighting for Easter Egg Hunt	659.95
P0095031	00187003	MERCER ISLAND HIGH SCHOOL	On site music & PA for 5/13/17	500.00
<i>Org Key: PR2108 - Health and Fitness</i>				
P0094922	00187041	ROSENSTEIN, SUSIE	Instructor fees course #16433	480.00
P0094922	00187041	ROSENSTEIN, SUSIE	Instructor fees course #17073	300.00
<i>Org Key: PR3500 - Senior Services</i>				
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	52.96
<i>Org Key: PR4100 - Community Center</i>				
P0095025	00187014	MICHAEL SKAGGS ASSOCIATES	JANITORIAL SERVICES CCMV APRIL	2,426.58
P0095036	00187051	SOREANO'S PLUMBING INC	ADA toilet repair	509.69
P0095037	00187028	PART WORKS INC.	plumbing parts	330.57
P93831	00187086	XEROX CORPORATION	Use charge 3-21-17 to 4-22-17	284.68
P93831	00187086	XEROX CORPORATION	2017 Lease charges for MICEC C	265.99
P0095055	00186951	CRYSTAL SPRINGS	Coffee/tea concessions.	178.27
P0095038	00186966	FIRE PROTECTION INC	FIRE & SECURITY MONITORING	150.15
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	70.62
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	32.78
P0095006	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE FEE FOR FIRE	30.00
P0095039	00187009	MI HARDWARE - P&R	MICEC misc supplies	27.35
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	11.17
<i>Org Key: PR5700 - Special Programs</i>				
P0095029	00186922	AUTHENTIC LIMITED	Yearly Subscription - Stqry Ba	1,000.00
<i>Org Key: PR6100 - Park Maintenance</i>				
P0094868	00186935	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	586.58
P0094916	00187052	SOUND PLAY INC	MALLETS FOR PLAY GROUND EQUIPM	233.60
P94425	00186950	CRYSTAL AND SIERRA SPRINGS	2017 ANNUAL PO FOR WATER DELIV	95.06
P0094982	00186928	BEN'S CLEANER SALES INC	PRESSURE WASHER PARTS	91.86
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	48.18
P0094867	00186973	GRAINGER	DISPOSABLE LATEX GLOVES	44.26
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	12.00
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
P0095034	00187072	VERIZON WIRELESS	Equipment Bill incentive credi	-20.00
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P94317	00187038	REPUBLIC SERVICES #172	PARKS DISPOSAL/RECYCLING	2,905.16
P0094957	00186982	HORIZON	FERTILIZER (5 TONS) & RYEGRASS	1,127.50
P0094895	00187025	PACIFIC RIM EQUIPMENT RENTAL	LAWN THATCHER RENTAL	204.79

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00186936	CENTURYLINK	PHONE USE MAY 2017	86.34
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	66.97
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
P0095034	00187072	VERIZON WIRELESS	Equipment Bill incentive credi	-20.00
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P0095041	00187014	MICHAEL SKAGGS ASSOCIATES	JANITORIAL CITY BLDGS APRIL 20	2,148.09
P0094908	00187065	TRU MECHANICAL INC	LB ADMIN ICED UP HVAC UNIT	817.85
P0095038	00186966	FIRE PROTECTION INC	FIRE & SECURITY MONITORING	169.50
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	82.14
P0095004	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE CHARGE FIRE	10.00
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.92
P0095034	00187072	VERIZON WIRELESS	Equipment Bill incentive credi	-20.00
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0094957	00186982	HORIZON	FERTILIZER (5 TONS) & RYEGRASS	1,892.77
P0094982	00186928	BEN'S CLEANER SALES INC	PRESSURE WASHER PARTS	89.15
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	39.09
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.21
P0095034	00187072	VERIZON WIRELESS	Equipment Bill incentive credi	-20.00
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P94317	00187038	REPUBLIC SERVICES #172	2017 PARKS DISPOSAL/RECYCLING	2,905.15
P0094957	00186982	HORIZON	FERTILIZER (5 TONS) & RYEGRASS	1,127.50
P0094868	00186935	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	586.58
P94071	00186932	CAMDEN GARDENS	Aljoya & Aubrey Davis Park Sha	424.88
P0094862	00187053	SOUND SAFETY PRODUCTS	SAFETY BOOTS	169.78
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	82.14
P0094982	00186928	BEN'S CLEANER SALES INC	PRESSURE WASHER PARTS	89.16
P0094874	00187088	ZEE MEDICAL	FIRST AID SUPPLIES	4.85
P0095034	00187072	VERIZON WIRELESS	Equipment Bill incentive credi	-20.00
<i>Org Key: PR6800 - Trails Maintenance</i>				
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	20.01
<i>Org Key: VCP105 - Transit Funding Placeholder</i>				
P0095027	00186993	KING COUNTY FINANCE	Alternative Transit Service pe	19,946.00
<i>Org Key: VCP426 - CIP Sewer Salaries</i>				
	00186955	DEPT OF ENTERPRISES SERVICES	BUSINESS CARD PRINTING	21.63
<i>Org Key: WD321R - Drainage System Video Insp</i>				
P0094880	00187032	PRO-VAC	INV 161219-022 CCTV STORM LINE	20,305.77
P0094881	00187032	PRO-VAC	INV 170106-008 CCTV JET STORM	19,651.00
P0094880	00187032	PRO-VAC	INV 161229-004 CCTV STORM LINE	693.50
P0094880	00187032	PRO-VAC	INV 161223-010 CCTV CULVERT	451.25
<i>Org Key: WD531C - Sub Basin 27a</i>				
P0095069	00186931	BUILDERS EXCHANGE OF WA	SUB BASIN 27A.9	47.55
<i>Org Key: WG110T - Computer Equip Replacements</i>				
P0094904	00186934	CDW GOVERNMENT INC	Surfacebook w/Dock and Warrant	764.51
<i>Org Key: WG130E - Equipment Rental Vehicle Repl</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P93896	00187019	NORTH LAKE MARINA-	MARINE PATROL ENGINE 300 CXLB	21,119.33
P93896	00187019	NORTH LAKE MARINA-	MARINE PATROL ENGINE 300 XXLB	21,119.33
P93896	00187019	NORTH LAKE MARINA-	MARINE PATROL ENGINE 300 XLB Q	21,119.32
P94036	00187042	S3 MARITIME LLC	INV 15005 PATROL 11 NEW ENGINE	17,892.19
<i>Org Key: WG550R - Fuel Clean Up</i>				
P0095022	00186993	KING COUNTY FINANCE	ACCT 113577 SOIL REMEDIATION	2,750.00
<i>Org Key: WP115S - ICP South Synthetic Field</i>				
P93596	00186959	DROLL LANDSCAPE ARCH, ROBERT W	Island Crest Park South Field	18,054.50
P0094957	00186982	HORIZON	FERTILIZER (5 TONS) & RYEGRASS	3,982.00
P0095069	00186931	BUILDERS EXCHANGE OF WA	ICP SPORTS FIELD	24.50
<i>Org Key: WP122R - Vegetation Management</i>				
	00187044	SCHOCK, MICHAEL	WSDA PESTICIDE LISCENCE RENEWA	33.00
P0095039	00187009	MI HARDWARE - P&R	Open Space supplies	27.82
P0095034	00187072	VERIZON WIRELESS	P&R monthly Verizon cell phone	20.00
<i>Org Key: WP506R - Swim Beach Repairs</i>				
P91615	00186959	DROLL LANDSCAPE ARCH, ROBERT W	Groveland Park Repair & Shorel	16,315.92
<i>Org Key: WR103F - Emer Repair - Freeman Landing</i>				
P0094929	00187085	WILLIAMS KASTNER & GIBBS PLLC	Professional Services - Invoic	3,447.10
<i>Org Key: WR111R - Pavement Markings</i>				
P87155	00187020	NORTHWEST TRAFFIC INC	2016 RETIANGE FOR LINE 3	2,226.15
<i>Org Key: WS103P - Sewer 20 yr CIP Plan</i>				
P86399	00186933	CAROLLO ENGINEERS INC	GENERAL SEWER PLAN UPDATE	8,639.95
<i>Org Key: WS512R - Sewer Repair at Sub-Basin 27</i>				
P85542	00186930	BLUELINE GROUP	SUB BASIN 27A.9 SEWER & DRAINA	1,617.00
<i>Org Key: WS710R - General Sewer Sys Improvements</i>				
P91737	00186944	COLUMBIA PUMPING & CONST INC	RETAINAGE	9,545.73
<i>Org Key: WS901D - Sewer Sys Pump Sta Repairs</i>				
P0094961	00186981	HOME DEPOT CREDIT SERVICE	4' LED BULBS FOR SEWER PUMP	531.20
<i>Org Key: WS902D - PS 14 Lake Line Cleaning</i>				
P94072	00186997	LAVELLE VAC & DRAINAGE LLC	2014 PS 17 LAKE LINE CLEANING	11,557.70
P0095021	00186993	KING COUNTY FINANCE	INV 65408 SWD 722009118 CEDAR	1,401.30
<i>Org Key: WS905C - Sewer Basin 40 Inflow and Inf</i>				
P94157	00186917	ADS LLC	2017 SEWER BASIN 40 INFILTRATI	4,675.00
<i>Org Key: WW523R - EMW 5400-6000 Block Watermain</i>				
P91353	00186925	AXIS SURVEY & MAPPING	DESIGN - E MERCER WAY 5400-600	2,801.25
<i>Org Key: XD311C - Water Quality Treatment</i>				
P92688	00186989	KAMINS CONSTRUCTION	RETAINAGE	1,073.52
<i>Org Key: XD312C - Street Related Drainage</i>				
P0094885	00187032	PRO-VAC	INV 170103-028 CCTV JET STORM	13,240.00
<i>Org Key: XR543C - WMW Shoulders (7400-8000 Blk)</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P93290	00187064	TRINITY CONTRACTORS INC	ROADSIDE SHOULDER	21,208.07
P91329	00186941	CM DESIGN GROUP	ROADSIDE SHOULDER	4,942.62
P91329	00186941	CM DESIGN GROUP	ROADSIDE SHOULDER	2,950.00
P0094978	00186994	KRAZAN & ASSOCIATES INC	INV 608565-5832 WMW PH1	472.50
<i>Org Key: XW540R - Water Contamination Response</i>				
P89617	00186980	HDR ENGINEERING INC	BOOSTER CHLORINATION STATION	20,882.91
<i>Org Key: YF1100 - YFS General Services</i>				
P93563	00187086	XEROX CORPORATION	Lease and overage charges for	185.11
P93568	00186953	DATAQUEST LLC	Background checks for volunteer	64.50
P93565	00187072	VERIZON WIRELESS	Mobile broadband services for	40.01
	00186946	COMPLETE OFFICE	OFFICE SUPPLIES APRIL 2017	28.07
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	12.00
<i>Org Key: YF1200 - Thrift Shop</i>				
P94578	00186971	GLOBAL EQUIPMENT CO 12CRI	Thrift Shop workspace structur	2,251.20
P0095041	00187014	MICHAEL SKAGGS ASSOCIATES	JANITORIAL CITY BLDGS APRIL 20	1,940.65
P0094817	00187056	STRANGER, THE	Advertising for Thrift Shop -	600.00
P93570	00186974	GRAND & BENEDICTS INC	Operating supplies for Thrift	247.73
P0095038	00186966	FIRE PROTECTION INC	FIRE & SECURITY MONITORING	169.50
	00186936	CENTURYLINK	PHONE USE MAY 2017	162.98
	00187087	XEROX CORPORATION	PRINTER SUPPLIES	70.62
	00187026	PANGBORN, JIM	WATCH BATTERIES	36.81
P0095009	00186966	FIRE PROTECTION INC	COMPLIANCE ENGINE CHARGE FOR F	10.00
<i>Org Key: YF2600 - Family Assistance</i>				
P93574	00186991	KC HOUSING AUTHORITY	Rental assistance for EA clien	410.00
P0094967	00186987	JEWISH COMMUNITY CENTER	Campership for EA client KG to	300.00
P93574	00186992	KC HOUSING AUTHORITY	Rental assistance for EA clien	164.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
	00186979	HARNISH, CHRISTOPHER JAMES	TRAINING EXPENSES	467.40
P0094966	00186920	ARSCENTIA	Mercerdale sign "MI Parents Ge	184.80
Total				<u>1,231,685.71</u>

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	187089-187265	5/25/2017	\$ 1,184,494.17
			\$ 1,184,494.17

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187089	05/15/2017	US POSTMASTER POSTAGE-ALL ISLAND MAILER		OH008181	05/15/2017	1,768.90
00187090	05/18/2017	ABBOTT, RICHARD LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187091	05/18/2017	ADAMS, RONALD E LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	109.00
00187092	05/18/2017	AUGUSTSON, THOR LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	110.00
00187093	05/18/2017	BARNES, WILLIAM LEOFF1 Medicare Reimb		JUNE2017A	05/18/2017	1,477.73
00187094	05/18/2017	BOOTH, GLENDON D LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187095	05/18/2017	CALLAGHAN, MICHAEL LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	110.00
00187096	05/18/2017	COOPER, ROBERT LEOFF1 Excess Benefit		JUNE2017A	05/18/2017	1,273.50
00187097	05/18/2017	DEEDS, EDWARD G LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	111.00
00187098	05/18/2017	DEVENY, JAN P LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	111.00
00187099	05/18/2017	DOWD, PAUL LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	111.00
00187100	05/18/2017	ELSOE, RONALD LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	108.00
00187101	05/18/2017	FORSMAN, LOWELL LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187102	05/18/2017	GOODMAN, J C LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	110.00
00187103	05/18/2017	HAGSTROM, JAMES LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	124.60
00187104	05/18/2017	JOHNSON, CURTIS LEOFF1 Medicare Reimb		JUNE2017A	05/18/2017	707.58
00187105	05/18/2017	KUHN, DAVID LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	110.00
00187106	05/18/2017	LEE, WALLACE LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	109.00
00187107	05/18/2017	LEOPOLD, FREDERIC LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	146.90
00187108	05/18/2017	LOISEAU, LERI M LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	107.00
00187109	05/18/2017	LYONS, STEVEN LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	135.60
00187110	05/18/2017	MYERS, JAMES S LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187111	05/18/2017	PROVOST, ALAN LEOFF1 Excess Benefit		JUNE2017A	05/18/2017	1,149.44
00187112	05/18/2017	RAMSAY, JON LEOFF1 Medicare Reimb		JUNE2017A	05/18/2017	388.67
00187113	05/18/2017	RUCKER, MANORD J LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	127.00
00187114	05/18/2017	SCHOENTRUP, WILLIAM LEOFF1 Medicare Reimb		JUNE2017A	05/18/2017	747.31

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187115	05/18/2017	SMITH, RICHARD LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	200.80
00187116	05/18/2017	THOMPSON, JAMES LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	123.30
00187117	05/18/2017	TOOLEY, NORMAN LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	107.00
00187118	05/18/2017	WALLACE, THOMAS LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	109.00
00187119	05/18/2017	WEGNER, KEN LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187120	05/18/2017	WHEELER, DENNIS LEOFF1 Medicare Reimb		JUNE2017B	05/18/2017	104.90
00187121	05/18/2017	CARLSON, LARRY Medicare Reimbursement		OH008188	06/01/2017	402.00
00187122	05/18/2017	HOOMAN, ELLIE Flex Spending Reimbursement		OH008183	05/12/2017	434.78
00187123	05/18/2017	JUDD, JOLENE Flex Spending		OH008185	05/12/2017	113.99
00187124	05/18/2017	KING COUNTY FINANCE MONTHLY SEWER JAN-DEC 2017	P93436	30017881	05/31/2017	390,462.60
00187125	05/18/2017	MANDEVILLE, TROY Flex Spending		OH008186	05/12/2017	1,680.00
00187126	05/18/2017	MCCOY, STEPHEN W Flex Spending		OH008184	05/12/2017	160.00
00187127	05/18/2017	MORRIS, CLINTON E Flex Spending		OH008187	05/12/2017	363.45
00187128	05/18/2017	STEWART, H WAYNE Flex Spending Reimbursement		OH008182	04/30/2017	459.00
00187129	05/25/2017	ALPINE PRODUCTS INC TRAFFIC PAINT, PREMARK HANDICA	P0095057	TM-166252	05/05/2017	1,458.60
00187130	05/25/2017	AMERICAN PLANNING ASSOC APA membership for Evan Maxim	P0095153	141460-1742	04/20/2017	400.00
00187131	05/25/2017	AMERIGAS-1400 INV 3064650980 2017 PROPANE DE	P93485	OH008179	05/04/2017	506.28
00187132	05/25/2017	ARC DOCUMENT SOLUTIONS Document scanning	P0095151	1643939/1675605/	03/03/2017	684.61
00187133	05/25/2017	ASPECT SOFTWARE INC Monthly Telestaff Maintenance	P0094989	ASI027128	05/05/2017	165.00
00187134	05/25/2017	ASTRAL COMMUNICATIONS INC Modem Antennas and Cables for	P0094962	170605	05/04/2017	498.30
00187135	05/25/2017	BELLEVUE, CITY OF 2017 Human Services Program	P0095113	31932	04/21/2017	17,720.00
00187136	05/25/2017	BLUELINE GROUP 3838 WMW WATER SYSTEM IMPROVEM	P94158	13414	05/03/2017	1,419.59
00187137	05/25/2017	BREWTON MD, LUKE Clinical consultations in 2017	P93569	OH008190	04/18/2017	150.00
00187138	05/25/2017	CDW GOVERNMENT INC Surfacebook w/Dock and Warrant	P0094904	HRS7539	05/02/2017	521.46
00187139	05/25/2017	CENTER FOR DIAGNOSTIC IMAGING Chest X-ray for pre-emp Gehrke	P0095209	OH008203	05/12/2017	88.00
00187140	05/25/2017	CHAPTER 13 TRUSTEE PAYROLL EARLY WARRANTS		26MAY2017	05/26/2017	1,331.00

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00187141	05/25/2017	COLUMBIA FORD ROW FL-0377 REPLACEMENT	P94104	3H1732	05/15/2017	25,041.25
00187142	05/25/2017	COMCAST Internet Charges/Fire	P0095140	81371JUNE	06/07/2017	237.53
00187143	05/25/2017	COMMERCIAL LANDSC SUPPLY INC INVENTORY PURCHASES	P0095179	184549/184688	05/10/2017	389.49
00187144	05/25/2017	COOK LEARN GROW LLC Summer Camps partial Payment	P0095172	1201	05/19/2017	1,000.00
00187145	05/25/2017	CRYSTAL AND SIERRA SPRINGS Monthly water service delivery	P93566	5277493050117	05/01/2017	79.33
00187146	05/25/2017	CRYSTAL SPRINGS coffee/tea concessions. 3.17	P0095077	13123243021717	01/20/2017	558.62
00187147	05/25/2017	DATAQUEST LLC Background checks for Seasonal	P0095075	2194	04/30/2017	229.00
00187148	05/25/2017	DELL MARKETING L.P. 2017 Computer Replacements	P0094915	10165905512	05/13/2017	43,395.34
00187149	05/25/2017	DROLL LANDSCAPE ARCH, ROBERT W Groveland Park Repair & Shorel	P91615	14065-13	04/25/2017	2,047.50
00187150	05/25/2017	DUNBAR ARMORED Armored Car Service May 2017	P0095112	3979004	05/01/2017	1,899.13
00187151	05/25/2017	EARTHCORPS INC 2017-2018 Earthcorps Volunteer	P93946	6503	04/30/2017	1,180.00
00187152	05/25/2017	EASTSIDE EXTERMINATORS CITY HALL EXTERMINATOR	P0095203	338907	05/19/2017	230.01
00187153	05/25/2017	G&K SERVICES 2017 PW COVERALL/LAUNDRY SERVI	P93484	APR2433535	04/30/2017	910.91
00187154	05/25/2017	GOV'T LEASING & FINANCE INC Lease Payment-Fire App Midi Pu	P0095194	330772740	05/15/2017	42,768.04
00187155	05/25/2017	GOVERNMENT FINANCE OFFICERS 2017 GAAFR Review Newsletter	P0095098	157563S	04/25/2017	50.00
00187156	05/25/2017	GRAINGER LARGE HOSE CLAMPS	P0095066	9440213149	05/09/2017	347.84
00187157	05/25/2017	GRAND & BENEDICTS INC Operating supplies for Thrift	P93570	0874657-IN	04/27/2017	17.72
00187158	05/25/2017	H D FOWLER 6" GATE VALVE, SLEEVES & MJ KI	P0095026	I4490599	05/03/2017	774.58
00187159	05/25/2017	HAMP, TIMOTHY Two PSA projects, paid in thre	P93736	647	05/05/2017	3,690.00
00187160	05/25/2017	HARRIGAN LEYH FARMER & Professional Services - I-90 L	P0095127	#9	05/05/2017	349,557.84
00187161	05/25/2017	HDR ENGINEERING INC 2016 MERCER ISLAND WATER MODEL	P92697	1200046753	04/14/2017	2,436.03
00187162	05/25/2017	HEALTHFORCE PARTNERS LLC Telemedicine Consult/Peters	P0095119	10671	04/30/2017	75.00
00187163	05/25/2017	HERRERA ENVIRONMENTAL CONSULT NPDES Ph. 2 permit implementat	P94214	40308	05/09/2017	1,147.95
00187164	05/25/2017	HOME DEPOT CREDIT SERVICE 4' LED BULBS FOR SEWER PUMP ST	P0095104	0128961011979	05/12/2017	1,342.71
00187165	05/25/2017	HONEYWELL, MATTHEW V Professional Services	P0095132	974	05/09/2017	700.00
00187166	05/25/2017	HORIZON TRIMMER LINE	P0095086	3M228254	05/05/2017	1,087.51

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00187167	05/25/2017	HORST REALTIME REPORTING INC CART services for 5/3/17 PC me	P0095159	584	05/03/2017	600.00
00187168	05/25/2017	HUTCHINSON, LISA K CART services for 4/5/17 & 4/1	P0095154	3528	04/26/2017	731.60
00187169	05/25/2017	INT'L FIREARM SPECIALIST ACDMY Firearm Specialist Training fo	P0095088	17MERCWA01	04/06/2017	525.00
00187170	05/25/2017	INTERIOR FOLIAGE CO, THE CITY HALL INTERIOR LANDSCAPING	P0095103	37475	04/07/2017	622.38
00187171	05/25/2017	ISLANDAIRE HOME OWNERS rental 24200 complete. returni	P0095089	24200	05/12/2017	50.00
00187172	05/25/2017	ISSAQUAH CITY JAIL March jail bill	P0095061	0450008407	05/04/2017	3,686.00
00187173	05/25/2017	JACK AND JILL RENTAL 23965 COMPLETE. RETURNI	P0095090	23965	05/12/2017	325.00
00187174	05/25/2017	KC FINANCE Remit Liquor Excise Tax-Q1 201	P0095195	2087253	05/18/2017	1,625.26
00187175	05/25/2017	KC HOUSING AUTHORITY Rental assistance for EA clien	P93574	OH008194	05/05/2017	651.00
00187176	05/25/2017	KCFTOA Incident Safety Officer	P93719	6481/6482	04/27/2017	2,045.00
00187177	05/25/2017	KIA MOTORS FINANCE DSG 2016 KIA SOUL LEASE	P94483	OH008208	05/16/2017	505.89
00187178	05/25/2017	KING COUNTY FINANCE I-NET MONTHLY SERVICES FROM	P94044	195059	05/31/2017	1,122.00
00187179	05/25/2017	KROESENS UNIFORM COMPANY Uniforms/Kissel	P0095118	44191	05/03/2017	17.52
00187180	05/25/2017	LANGUAGE LINE SERVICES Language Line	P0095099	4061845	04/30/2017	42.64
00187181	05/25/2017	LEDBETTER-KRAFT, DELORES E Instructor fee Course #16974	P0095164	OH008199	05/18/2017	1,029.00
00187182	05/25/2017	LEOFF HEALTH & WELFARE TRUST JUNE 2017		OH008204	05/25/2017	58,548.58
00187183	05/25/2017	LYNN PEAVEY CO Evidence boxes	P0095062	331006	05/04/2017	209.28
00187184	05/25/2017	M & M BALLOON CO Helium tank rental & helium fo	P93826	30769	04/01/2017	23.65
00187185	05/25/2017	MASTERMARK Name Plate (Alison Van Gorp)	P0095079	2487889	05/08/2017	169.05
00187186	05/25/2017	McCARTHY, MORGAN Instructor Fee Course #17021	P0095163	OH008198	05/18/2017	656.60
00187187	05/25/2017	METRON-FARNIER LLC INVENTORY PURCHASES	P0095137	24261	05/02/2017	2,571.91
00187188	05/25/2017	METROPRESORT Printing and Mailing April 201	P0095095	492140	04/21/2017	2,006.05
00187189	05/25/2017	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		26MAY2017	05/26/2017	148.75
00187190	05/25/2017	MI HARDWARE - MAINT MISC. HARDWARE FOR THE MONTH O	P0095064	560400APR	04/30/2017	342.15
00187191	05/25/2017	MI HARDWARE - YFS Operating supplies for Tshop a	P93530	560900APR	04/30/2017	63.17
00187192	05/25/2017	MICRO COM SYSTEMS LTD Plans scanning	P0095156	16910/16907	04/30/2017	3,357.24

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00187193	05/25/2017	MICROFLEX APRIL 2017 TAX AUDIT PROGRAM	P0095096	22576	04/19/2017	96.20
00187194	05/25/2017	MORGAN SOUND INC blue ray repair.	P0095078	MS1090488	05/05/2017	153.97
00187195	05/25/2017	MOUNTAINS TO SOUND 2017-18 Mountains to Sound Gre	P93597	#1	03/31/2017	2,082.00
00187196	05/25/2017	NATIONAL CONST RENTALS INC FENCE RENTAL	P0094983	4713293	04/26/2017	495.00
00187197	05/25/2017	NORTHERN PACIFIC CONSTRUCTION ADA RESTROOM	P0095208	MAIDAR01	05/19/2017	2,225.19
00187198	05/25/2017	PACIFIC MODULAR SHOP CARPET CLEAN	P0095210	3567	05/23/2017	4,044.00
00187199	05/25/2017	PACIFIC NW PUBLIC FLEET INV 119 ANNUAL MEMBERSHIP 2017	P0095082	0119	04/14/2017	123.90
00187200	05/25/2017	PACIFIC RIM EQUIPMENT RENTAL REAR TINE TILLER RENTAL	P0095058	19435	05/04/2017	985.40
00187201	05/25/2017	POLICE ASSOCIATION PAYROLL EARLY WARRANTS		26MAY2017	05/26/2017	2,433.20
00187202	05/25/2017	PROJECT A INC Homepage Ads Design Work	P0095146	17-998	05/05/2017	142.50
00187203	05/25/2017	PUGET SOUND ENERGY Utility Assistance for Emerenc	P93578	OH008191	05/12/2017	119.64
00187204	05/25/2017	PUGET SOUND ENERGY Utility Assistance for Emerenc	P93578	OH008192	05/12/2017	134.24
00187205	05/25/2017	PUGET SOUND ENERGY Utility Assistance for Emerenc	P93578	OH008193	05/12/2017	25.54
00187206	05/25/2017	PUGET SOUND ENERGY Utility Assistance for Emerenc	P93578	OH008195	05/12/2017	82.88
00187207	05/25/2017	QUENCH USA INC Water machines	P0095107	200641198	02/01/2017	473.04
00187208	05/25/2017	REID MIDDLETON INC Peer Review Shorewood Heights	P0095161	1704101	05/02/2017	681.95
00187209	05/25/2017	REPUBLIC SERVICES #172 2017 ROW DISPOSAL/RECYCLING 45	P94317	0172-007093832	04/30/2017	5,877.43
00187210	05/25/2017	RESERVE ACCOUNT Reserve fund postage refill	P0095155	47912225	05/18/2017	2,500.00
00187211	05/25/2017	RICOH USA INC (FIRE) Copier Rental/Fire	P0095116	98741030	05/05/2017	320.87
00187212	05/25/2017	ROSENSTEIN, SUSIE Susie Rosenstein personal trai	P0095181	120	05/21/2017	300.00
00187213	05/25/2017	SAFELITE FULFILLMENT INC INV 1804-477509 FL-0419 SOLAR	P0095083	1804-477509	04/10/2017	136.52
00187214	05/25/2017	SAGACITY CUSTOM PUBLISHING Thrift Shop: special ad placed	P0095125	2017-14779	05/10/2017	1,096.00
00187215	05/25/2017	SAGACITY MEDIA INC MICEC Ad	P0095074	2017-14704	05/10/2017	1,096.00
00187216	05/25/2017	SALZETTI, ERIC Instructor fee Course #16961	P0095165	OH008201	05/18/2017	1,706.60
00187217	05/25/2017	SANCHEZ-JAUREGUI, BEATRIZ Instructor Fee Course #17195	P0095178	OH008196	04/12/2017	357.70
00187218	05/25/2017	SANDERSON SAFETY SUPPLY HOOD FIRE SUPPRESSION TEST	P0095100	1957	04/28/2017	290.00

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00187219	05/25/2017	SCORE April bill-20 days	P0095108	2483	05/10/2017	3,253.00
00187220	05/25/2017	SEA WESTERN INC Bunker Gear	P0095124	198699-198702	05/09/2017	8,180.04
00187221	05/25/2017	SEATTLE, CITY OF Apr 2017 Water Purchases	P0095145	OH008197	04/30/2017	79,319.26
00187222	05/25/2017	SHOREWOOD HEIGHTS Rental assistance for Emergenc	P93580	OH008205	05/25/2017	1,000.00
00187223	05/25/2017	SIGNATURE LANDSCAPE SERVICES 2017 City Hall, FS 91 & 92,	P93726	24426 - 24430	05/01/2017	4,136.99
00187224	05/25/2017	SKAGIT GARDENS INC HEUCHERE PLANTS	P94518	52258721	05/22/2017	2,429.87
00187225	05/25/2017	SOUND PUBLISHING INC Island Guide - annual "ad" for	P93572	7760522	04/30/2017	678.50
00187226	05/25/2017	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P0095106	21767/5	03/30/2017	226.99
00187227	05/25/2017	STRANGER, THE Advertising for Thrift Shop -	P0094817	5170E6A4/517A4D6	05/04/2017	650.00
00187228	05/25/2017	SUNDSTROM, ROBERT Birding Trip - Spring Sage &	P0095073	OH008189	05/11/2017	512.00
00187229	05/25/2017	SUPPLY SOURCE INC,THE INVENTORY PURCHASES	P0095168	1701621	05/15/2017	2,017.19
00187230	05/25/2017	SWIFT, KAREN Instructor fee Course #17104	P0095162	OH008200	05/18/2017	517.54
00187231	05/25/2017	T&L NURSERY INC HANGING FLOWER BASKETS	P0095167	308517	05/17/2017	2,816.00
00187232	05/25/2017	T-MOBILE 2017 Services for Boat Launch	P93801	519850018JUNE	05/08/2017	49.99
00187233	05/25/2017	THOMSON REUTERS - WEST CIS intel database	P0095121	836075300	05/01/2017	303.38
00187234	05/25/2017	THYSSENKRUPP ELEVATOR CORP INSTALL PIT STOP SWITCH	P0095202	6000246782	04/20/2017	1,111.00
00187235	05/25/2017	TRAFFIC SAFETY SUPPLY INVENTORY PURCHASES	P94513	124967	05/08/2017	484.00
00187236	05/25/2017	UNITED RENTALS NORTHWEST INC PS 19 GENIE FORKLIFT	P0095080	145325713-001	04/03/2017	1,241.02
00187237	05/25/2017	UNITED SITE SERVICES 2017 Portable Toilet Rentals &	P0095123	1145257167	04/30/2017	1,271.54
00187238	05/25/2017	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		26MAY2017	05/26/2017	230.00
00187257	05/25/2017	US BANK CORP PAYMENT SYS AMAZON MKTPLACE PMTS		2490641712503911	05/08/2017	41,102.69
00187258	05/25/2017	VERITIV OPERATING COMPANY INVENTORY PURCHASES	P0095085	655-22250138	05/04/2017	1,454.91
00187259	05/25/2017	VERIZON WIRELESS Mobil hotspots	P0095152	9784472024	04/23/2017	455.84
00187260	05/25/2017	WA FITNESS SERVICES INC Quarterly Service - City Hall	P0095114	W16457	05/14/2017	187.00
00187261	05/25/2017	WALTER E NELSON CO Station Household Supplies	P0094999	596608	05/05/2017	4,259.35
00187262	05/25/2017	WEST COAST SIGNAL INC INV 2045 76th / SE 27TH POLE R	P0094981	2045	04/24/2017	1,345.65

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00187263	05/25/2017	WIMACTEL INC POLICE LOBBY PAY PHONE	P0095135	163692	05/01/2017	60.50
00187264	05/25/2017	WSCCCE AFSCME AFL-CIO PAYROLL EARLY WARRANTS		26MAY2017	05/26/2017	2,515.07
00187265	05/25/2017	XEROX CORPORATION shipping charge for toner for	P93571	89055717	05/01/2017	2,395.64
					Total	<u>1,184,494.17</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 001000 - General Fund-Admin Key</i>				
P0095090	00187173	JACK AND JILL	RENTAL 23965 COMPLETE. RETURNI	325.00
P0095089	00187171	ISLANDAIRE HOME OWNERS	rental 24200 complete. returni	50.00
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0095137	00187187	METRON-FARNIER LLC	INVENTORY PURCHASES	2,571.91
P0095168	00187229	SUPPLY SOURCE INC,THE	INVENTORY PURCHASES	2,017.19
P0094999	00187261	WALTER E NELSON CO	INVENTORY PURCHASES	1,717.50
P0095085	00187258	VERITIV OPERATING COMPANY	INVENTORY PURCHASES	1,454.91
P94529	00187235	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	544.91
P0095179	00187143	COMMERCIAL LANDSC SUPPLY INC	INVENTORY PURCHASES	389.49
P0095032	00187156	GRAINGER	INVENTORY PURCHASES	116.00
P0095066	00187156	GRAINGER	INVENTORY PURCHASES	45.54
<i>Org Key: 814072 - United Way</i>				
	00187238	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	230.00
<i>Org Key: 814074 - Garnishments</i>				
	00187140	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00187189	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	148.75
<i>Org Key: 814076 - City & Counties Local 21M</i>				
	00187264	WSCCCE AFSCME AFL-CIO	PAYROLL EARLY WARRANTS	2,515.07
<i>Org Key: 814077 - Police Association</i>				
	00187201	POLICE ASSOCIATION	PAYROLL EARLY WARRANTS	2,433.20
<i>Org Key: CA1100 - Administration (CA)</i>				
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	24.22
	00187257	US BANK CORP PAYMENT SYS	ACT*WASHINGTON STATE A	15.00
<i>Org Key: CA1200 - Prosecution & Criminal Mngmnt</i>				
P0095132	00187165	HONEYWELL, MATTHEW V	Professional Services	700.00
<i>Org Key: CM1100 - Administration (CM)</i>				
	00187257	US BANK CORP PAYMENT SYS	INTERNATION	1,320.00
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	1,000.14
	00187257	US BANK CORP PAYMENT SYS	THE RESORT AT THE MT	126.13
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	45.99
	00187257	US BANK CORP PAYMENT SYS	ISLANDER	40.26
	00187257	US BANK CORP PAYMENT SYS	UNITED PARKING 4560	34.33
	00187257	US BANK CORP PAYMENT SYS	ANISE THAI CUISINE	30.19
	00187257	US BANK CORP PAYMENT SYS	81250 - GOAT HILL GARAGE	18.00
	00187257	US BANK CORP PAYMENT SYS	81250 - GOAT HILL GARAGE	18.00
	00187257	US BANK CORP PAYMENT SYS	TST* HOMEGROWN 1008	13.75
	00187257	US BANK CORP PAYMENT SYS	IPM USPG	13.49
	00187257	US BANK CORP PAYMENT SYS	REPUBLIC PARKING 31-051	9.00
<i>Org Key: CM11SP - Special Projects-City Mgr</i>				
P0095127	00187160	HARRIGAN LEYH FARMER &	Professional Services - I-90 L	349,557.84
	00187089	US POSTMASTER	POSTAGE-ALL ISLAND MAILER	1,768.90
	00187257	US BANK CORP PAYMENT SYS	ACE PARKING 3264	29.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187257	US BANK CORP PAYMENT SYS	ACE PARKING 3264	24.00
	00187257	US BANK CORP PAYMENT SYS	ACE PARKING 3264	24.00
	00187257	US BANK CORP PAYMENT SYS	81250 - GOAT HILL GARAGE	18.00
<i>Org Key: CO6100 - City Council</i>				
	00187257	US BANK CORP PAYMENT SYS	ASSOC OF WA CITIES	400.00
	00187257	US BANK CORP PAYMENT SYS	GRUB HUB	300.73
	00187257	US BANK CORP PAYMENT SYS	GRUB HUB	284.72
	00187257	US BANK CORP PAYMENT SYS	GRUB HUB	203.52
	00187257	US BANK CORP PAYMENT SYS	GRUB HUB	165.09
	00187257	US BANK CORP PAYMENT SYS	JIMMY JOHNS - 1981	139.61
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *SCA	45.00
	00187257	US BANK CORP PAYMENT SYS	COSTCO WHSE #1029	26.80
P0095079	00187185	MASTERMARK	Name Plate (Alison Van Gorp)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Evan Maxim)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Nicole Gaudette)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Lauren Anderson)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Andrew Leon)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Robin Proebsting)	24.15
P0095079	00187185	MASTERMARK	Name Plate (Scott Greenberg)	24.15
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	11.13
	00187257	US BANK CORP PAYMENT SYS	TARGET 00003392	10.27
	00187257	US BANK CORP PAYMENT SYS	NEW SEASONS MARKET	8.78
	00187257	US BANK CORP PAYMENT SYS	QFC #5871	7.50
<i>Org Key: CR1100 - CORe Admin and Human Resources</i>				
	00187257	US BANK CORP PAYMENT SYS	YOURMEMBER-CAREERS	405.00
P0095114	00187260	WA FITNESS SERVICES INC	Quarterly Service - City Hall	187.00
	00187257	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	135.00
	00187257	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	135.00
	00187257	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	90.00
	00187257	US BANK CORP PAYMENT SYS	CRAIGSLIST.ORG	90.00
P0095209	00187139	CENTER FOR DIAGNOSTIC IMAGING	Chest X-ray for pre-emp Gehrke	88.00
	00187257	US BANK CORP PAYMENT SYS	FRED-MEYER #0391	62.18
<i>Org Key: CT1100 - Municipal Court</i>				
P0095099	00187180	LANGUAGE LINE SERVICES	Language Line	42.64
<i>Org Key: DS1100 - Administration (DS)</i>				
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	1,999.93
P0095156	00187192	MICRO COM SYSTEMS LTD	Plans scanning	1,742.51
P0095156	00187192	MICRO COM SYSTEMS LTD	Plans scanning	1,614.73
P0095154	00187168	HUTCHINSON, LISA K	CART services for 4/5/17 & 4/1	731.60
P0095159	00187167	HORST REALTIME REPORTING INC	CART services for 5/3/17 PC me	600.00
P0095152	00187259	VERIZON WIRELESS	Phone and data charges	295.80
	00187257	US BANK CORP PAYMENT SYS	GRUB HUB	201.29
	00187257	US BANK CORP PAYMENT SYS	HOMEGROWN MOTO	181.67
P0095152	00187259	VERIZON WIRELESS	Mobil hotspots	160.04
	00187257	US BANK CORP PAYMENT SYS	PAGLIACCI MERCER ISLAND	89.66
	00187257	US BANK CORP PAYMENT SYS	MBP.COM MERCHANT FEE	54.10
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	51.96
	00187257	US BANK CORP PAYMENT SYS	PAGLIACCI MERCER ISLAND	40.48

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	20.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	12.41
P0095151	00187132	ARC DOCUMENT SOLUTIONS	Document scanning	11.72
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	10.64
<i>Org Key: DS1200 - Bldg Plan Review & Inspection</i>				
P0095161	00187208	REID MIDDLETON INC	Peer Review Shorewood Heights	681.95
	00187257	US BANK CORP PAYMENT SYS	ACT*ECITYGOV ALLIANCE	65.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	28.63
<i>Org Key: DS1300 - Land Use Planning Svc</i>				
P0095153	00187130	AMERICAN PLANNING ASSOC	APA membership for Evan Maxim	400.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	45.28
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	39.49
<i>Org Key: DS1400 - Development Engineering</i>				
P94214	00187163	HERRERA ENVIRONMENTAL CONSULT	NPDES Ph. 2 permit implementat	1,147.95
P0095151	00187132	ARC DOCUMENT SOLUTIONS	MI storm drain overlay scannin	412.63
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	317.84
	00187257	US BANK CORP PAYMENT SYS	RPNW - OFF STREET COT	12.00
	00187257	US BANK CORP PAYMENT SYS	RPNW - OFF STREET COT	12.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	4.66
<i>Org Key: FN1100 - Administration (FN)</i>				
	00187257	US BANK CORP PAYMENT SYS	POGACHA RESTAURANT	152.24
P0095098	00187155	GOVERNMENT FINANCE OFFICERS	2017 GAAFR Review Newsletter	50.00
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P94122	00187188	METROPRESORT	Printing and Mailing April 201	354.08
P94122	00187188	METROPRESORT	Printing and Mailing April 201	247.53
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P94122	00187188	METROPRESORT	Printing and Mailing April 201	354.07
P94122	00187188	METROPRESORT	Printing and Mailing April 201	247.54
<i>Org Key: FN4503 - Utility Billing (Storm)</i>				
P94122	00187188	METROPRESORT	Printing and Mailing April 201	354.08
P94122	00187188	METROPRESORT	Printing and Mailing April 201	247.54
<i>Org Key: FNBE01 - Financial Services</i>				
P0095095	00187188	METROPRESORT	1ST QUARTER PRINTING AND MAILI	201.21
P0095096	00187193	MICROFLEX	APRIL 2017 TAX AUDIT PROGRAM	96.20
<i>Org Key: FR1100 - Administration (FR)</i>				
P0095110	00187261	WALTER E NELSON CO	Station Household Supplies	2,481.76
	00187257	US BANK CORP PAYMENT SYS	IAFC FR1151	625.00
	00187257	US BANK CORP PAYMENT SYS	REP FITNESS ECOMMERCE	493.85
P0095116	00187211	RICOH USA INC (FIRE)	Copier Rental/Fire	320.87
	00187257	US BANK CORP PAYMENT SYS	WASHINGTON AWARDS INC	294.80
	00187257	US BANK CORP PAYMENT SYS	DIGICERT INC	175.00
P0094989	00187133	ASPECT SOFTWARE INC	Monthly Telestaff Maintenance	165.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	137.98
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	136.00

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	104.15
	00187257	US BANK CORP PAYMENT SYS	REP FITNESS ECOMMERCE	94.82
P0095115	00187142	COMCAST	Internet Charges/Fire	62.40
P0095141	00187261	WALTER E NELSON CO	Station Household Supplies	60.09
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	32.00
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	20.00
	00187257	US BANK CORP PAYMENT SYS	UPS*1ZJT6D43P119593025	17.36
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	15.83
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	15.00
P0095140	00187142	COMCAST	Internet Charges/Fire	11.48
	00187257	US BANK CORP PAYMENT SYS	LOWES #02420*	9.59
	00187257	US BANK CORP PAYMENT SYS	UPS*2944503DJH1	6.90
Org Key: FR2100 - Fire Operations				
P0095124	00187220	SEA WESTERN INC	Bunker Gear	8,180.04
P0095118	00187179	KROESENS UNIFORM COMPANY	Uniforms/Kissel	17.52
Org Key: FR2400 - Fire Suppression				
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	158.00
	00187257	US BANK CORP PAYMENT SYS	THE HOME DEPOT #4704	56.00
Org Key: FR4100 - Training				
P93719	00187176	KCFTOA	Spring Pump Ops Academy	1,200.00
P93719	00187176	KCFTOA	Incident Safety Officer	845.00
P0095119	00187162	HEALTHFORCE PARTNERS LLC	Telemedicine Consult/Peters	75.00
Org Key: FR5100 - Community Risk Reduction				
	00187257	US BANK CORP PAYMENT SYS	THE HOME DEPOT #4711	118.67
Org Key: GDI503 - Interest-Equip Rental				
P0095194	00187154	GOV'T LEASING & FINANCE INC	Lease Payment-Fire App Midi Pu	7,693.70
Org Key: GDP503 - Principal - Equip Rental				
P0095194	00187154	GOV'T LEASING & FINANCE INC	Lease Payment-Fire App Midi Pu	35,074.34
Org Key: GGM001 - General Government-Misc				
P0095112	00187150	DUNBAR ARMORED	Armored Car Service May 2017	546.58
P0095146	00187202	PROJECT A INC	Homepage Ads Design Work	95.00
Org Key: GGM004 - Gen Govt-Office Support				
P0095155	00187210	RESERVE ACCOUNT	Reserve fund postage refill	2,500.00
P0095158	00187265	XEROX CORPORATION	Monthly print and copy charges	800.24
P0095158	00187265	XEROX CORPORATION	Monthly print and copy charges	612.99
P0095158	00187265	XEROX CORPORATION	Monthly print and copy charges	181.47
P0095158	00187265	XEROX CORPORATION	shipping charge for toner for	8.63
Org Key: GGM005 - Genera Govt-L1 Retiree Costs				
	00187182	LEOFF HEALTH & WELFARE TRUST	JUNE 2017	4,025.52
	00187121	CARLSON, LARRY	Medicare Reimbursement	402.00
	00187115	SMITH, RICHARD	LEOFF1 Medicare Reimb	200.80
	00187093	BARNES, WILLIAM	LEOFF1 Medicare Reimb	163.70
	00187107	LEOPOLD, FREDERIC	LEOFF1 Medicare Reimb	146.90
	00187104	JOHNSON, CURTIS	LEOFF1 Medicare Reimb	143.30

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187112	RAMSAY, JON	LEOFF1 Medicare Reimb	136.20
	00187109	LYONS, STEVEN	LEOFF1 Medicare Reimb	135.60
	00187113	RUCKER, MANORD J	LEOFF1 Medicare Reimb	127.00
	00187103	HAGSTROM, JAMES	LEOFF1 Medicare Reimb	124.60
	00187116	THOMPSON, JAMES	LEOFF1 Medicare Reimb	123.30
	00187097	DEEDS, EDWARD G	LEOFF1 Medicare Reimb	111.00
	00187098	DEVENY, JAN P	LEOFF1 Medicare Reimb	111.00
	00187099	DOWD, PAUL	LEOFF1 Medicare Reimb	111.00
	00187092	AUGUSTSON, THOR	LEOFF1 Medicare Reimb	110.00
	00187095	CALLAGHAN, MICHAEL	LEOFF1 Medicare Reimb	110.00
	00187102	GOODMAN, J C	LEOFF1 Medicare Reimb	110.00
	00187105	KUHN, DAVID	LEOFF1 Medicare Reimb	110.00
	00187091	ADAMS, RONALD E	LEOFF1 Medicare Reimb	109.00
	00187106	LEE, WALLACE	LEOFF1 Medicare Reimb	109.00
	00187118	WALLACE, THOMAS	LEOFF1 Medicare Reimb	109.00
	00187100	ELSOE, RONALD	LEOFF1 Medicare Reimb	108.00
	00187114	SCHOENTRUP, WILLIAM	LEOFF1 Medicare Reimb	108.00
	00187108	LOISEAU, LERI M	LEOFF1 Medicare Reimb	107.00
	00187117	TOOLEY, NORMAN	LEOFF1 Medicare Reimb	107.00
	00187090	ABBOTT, RICHARD	LEOFF1 Medicare Reimb	104.90
	00187094	BOOTH, GLENDON D	LEOFF1 Medicare Reimb	104.90
	00187101	FORSMAN, LOWELL	LEOFF1 Medicare Reimb	104.90
	00187110	MYERS, JAMES S	LEOFF1 Medicare Reimb	104.90
	00187119	WEGNER, KEN	LEOFF1 Medicare Reimb	104.90
	00187120	WHEELER, DENNIS	LEOFF1 Medicare Reimb	104.90
Org Key: GGM606 - Excess Retirement-Fire				
	00187093	BARNES, WILLIAM	LEOFF1 Excess Benefit	1,314.03
	00187096	COOPER, ROBERT	LEOFF1 Excess Benefit	1,273.50
	00187111	PROVOST, ALAN	LEOFF1 Excess Benefit	1,149.44
	00187114	SCHOENTRUP, WILLIAM	LEOFF1 Excess Benefit	639.31
	00187104	JOHNSON, CURTIS	LEOFF1 Excess Benefit	564.28
	00187112	RAMSAY, JON	LEOFF1 Excess Benefit	252.47
Org Key: GX9997 - Employee Benefits-Fire				
	00187182	LEOFF HEALTH & WELFARE TRUST	JUNE 2017	54,523.06
Org Key: IGHS02 - Eastside Legal Aid Program				
P0095113	00187135	BELLEVUE, CITY OF	2017 Human Services Program	3,500.00
Org Key: IGHS03 - CHILDREN'S RESPONSE CENTER				
P0095113	00187135	BELLEVUE, CITY OF	2017 Human Services Program	1,500.00
Org Key: IGHS05 - King County Sexual Assault				
P0095113	00187135	BELLEVUE, CITY OF	2017 Human Services Program	2,500.00
Org Key: IGHS07 - Domestic Violence				
P0095113	00187135	BELLEVUE, CITY OF	2017 Human Services Program	10,000.00
Org Key: IGMA02 - Alcoholism Program				
P0095195	00187174	KC FINANCE	Remit Liquor Excise Tax-Q1 201	1,625.26
Org Key: IS1100 - IGS Mapping				

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PO #	Check #	Vendor:	Transaction Description	Check Amount
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	500.07
	00187257	US BANK CORP PAYMENT SYS	ACT*WAURISA	240.00
	00187257	US BANK CORP PAYMENT SYS	ACT*WAURISA	240.00
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	33.95
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00187257	US BANK CORP PAYMENT SYS	PLEASANT SOLUTIONS	3,031.00
P94044	00187178	KING COUNTY FINANCE	I-NET MONTHLY SERVICES FROM	1,122.00
	00187257	US BANK CORP PAYMENT SYS	CARE.CITRIXONLINE.COM	514.80
	00187257	US BANK CORP PAYMENT SYS	THE HISTORIC DAVENPORT	410.76
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	195.76
P0095135	00187263	WIMACTEL INC	POLICE LOBBY PAY PHONE	60.50
	00187257	US BANK CORP PAYMENT SYS	OFFENSIVE SECURITY	60.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON WEB SERVICES	58.71
	00187257	US BANK CORP PAYMENT SYS	REGISTER.COM*133FCE2CJ	38.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	32.81
	00187257	US BANK CORP PAYMENT SYS	THE POST STREET ALE HO	17.06
<i>Org Key: IS3101 - GIS Analyst Water Fund</i>				
	00187257	US BANK CORP PAYMENT SYS	ACT*WAURISA	80.00
<i>Org Key: IS3102 - GIS Analyst Sewer Fund</i>				
	00187257	US BANK CORP PAYMENT SYS	ACT*WAURISA	80.00
<i>Org Key: IS3103 - GIS Analyst Storm Fund</i>				
	00187257	US BANK CORP PAYMENT SYS	ACT*WAURISA	80.00
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0094981	00187262	WEST COAST SIGNAL INC	INV 2045 76th / SE 27TH POLE R	1,345.65
P0095187	00187164	HOME DEPOT CREDIT SERVICE	CONCRETE JOINT & CRACK FILLER	852.06
P0094962	00187134	ASTRAL COMMUNICATIONS INC	Modem Antennas and Cables for	498.30
	00187257	US BANK CORP PAYMENT SYS	AMERICAN MEADOWS	416.85
P0095091	00187156	GRAINGER	LARGE HOSE CLAMPS	147.84
	00187257	US BANK CORP PAYMENT SYS	TUSCAN STONE PIZZA (ME	121.87
P94537	00187235	TRAFFIC SAFETY SUPPLY	STREET SIGNS	130.52
	00187257	US BANK CORP PAYMENT SYS	OSU CONFERENCE SERVCS WEB	70.00
P94513	00187235	TRAFFIC SAFETY SUPPLY	STREET SIGN	52.43
P94529	00187235	TRAFFIC SAFETY SUPPLY	CREDIT-RETURNED POST PANELS	-243.86
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P94518	00187224	SKAGIT GARDENS INC	HEUCHERE PLANTS	255.38
<i>Org Key: MT2500 - ROW Administration</i>				
P94317	00187209	REPUBLIC SERVICES #172	2017 ROW DISPOSAL/RECYCLING 45	2,328.87
P94277	00187209	REPUBLIC SERVICES #172	ACCT 172-883826 2017 ANNUAL SW	573.39
<i>Org Key: MT3100 - Water Distribution</i>				
	00187257	US BANK CORP PAYMENT SYS	OFFICE DEPOT #975	59.38
<i>Org Key: MT3300 - Water Associated Costs</i>				
P94317	00187209	REPUBLIC SERVICES #172	2017 WATER DISPOSAL/RECYCLING	258.76
P0095072	00187209	REPUBLIC SERVICES #172	INV 103068 4350 88TH AVE SE	128.76
	00187257	US BANK CORP PAYMENT SYS	OWPSACSTATE	110.00

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	53.63
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0094983	00187196	NATIONAL CONST RENTALS INC	FENCE RENTAL	495.00
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P94317	00187209	REPUBLIC SERVICES #172	2017 SEWER DISPOSAL/RECYCLING	258.76
	00187257	US BANK CORP PAYMENT SYS	OWPSACSTATE	60.00
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	1,000.15
P93484	00187153	G&K SERVICES	2017 PW COVERALL/LAUNDRY SERVI	910.91
	00187257	US BANK CORP PAYMENT SYS	COSTCO WHSE #0747	3.86
<i>Org Key: MT4200 - Building Services</i>				
P0095208	00187197	NORTHERN PACIFIC CONSTRUCTION	ADA RESTROOM	2,225.19
P0095103	00187170	INTERIOR FOLIAGE CO, THE	CITY HALL INTERIOR LANDSCAPING	349.80
P0095102	00187170	INTERIOR FOLIAGE CO, THE	CITY HALL INTERIOR LANDSCAPING	272.58
P0095151	00187132	ARC DOCUMENT SOLUTIONS	FS91 plans scanning	260.26
P0095203	00187152	EASTSIDE EXTERMINATORS	CITY HALL EXTERMINATOR	230.01
P0095101	00187198	PACIFIC MODULAR	SHOP CARPET CLEAN	150.00
<i>Org Key: MT4210 - Building Landscaping</i>				
P93726	00187223	SIGNATURE LANDSCAPE SERVICES	2017 City Hall, FS 91 & 92,	2,546.73
P0095167	00187231	T&L NURSERY INC	HANGING FLOWER BASKETS	352.00
P94317	00187209	REPUBLIC SERVICES #172	2017 FACILITIES DISPOSAL/RECYC	258.77
<i>Org Key: MT4300 - Fleet Services</i>				
P93485	00187131	AMERIGAS-1400	INV 3064650980 2017 PROPANE DE	506.28
P88915	00187177	KIA MOTORS FINANCE	DSG 2016 KIA SOUL LEASE	263.96
P0095083	00187213	SAFELITE FULFILLMENT INC	INV 1804-477509 FL-0419 SOLAR	136.52
P0095082	00187199	PACIFIC NW PUBLIC FLEET	INV 119 ANNUAL MEMBERSHIP 2017	123.90
	00187257	US BANK CORP PAYMENT SYS	SHELL OIL 57444032502	84.69
P0095073	00187228	SUNDSTROM, ROBERT	Birding Trip - Spring Sage &	72.80
	00187257	US BANK CORP PAYMENT SYS	WA DOL LIC & REG 09598	47.75
	00187257	US BANK CORP PAYMENT SYS	CHEVRON 0370035	44.76
	00187257	US BANK CORP PAYMENT SYS	WA DOL LIC & REG 09598	40.75
	00187257	US BANK CORP PAYMENT SYS	CENEX ZIP TRIP09881251	32.52
	00187257	US BANK CORP PAYMENT SYS	76 - NBG LLC	25.89
	00187257	US BANK CORP PAYMENT SYS	ASTRO #113	23.75
P88915	00187177	KIA MOTORS FINANCE	LATE CHARGE	20.00
	00187257	US BANK CORP PAYMENT SYS	GOOD2GO-INTERNET	5.50
	00187257	US BANK CORP PAYMENT SYS	GOOD2GO-INTERNET	2.75
	00187257	US BANK CORP PAYMENT SYS	WA DOL09598*SERVICEFEE	2.00
	00187257	US BANK CORP PAYMENT SYS	WA DOL09598*SERVICEFEE	2.00
<i>Org Key: MT4501 - Water Administration</i>				
P0095145	00187221	SEATTLE, CITY OF	Apr 2017 Water Purchases	79,319.26
	00187257	US BANK CORP PAYMENT SYS	MOS PIZZA - WA	30.81
<i>Org Key: MT4502 - Sewer Administration</i>				
P93436	00187124	KING COUNTY FINANCE	MONTHLY SEWER JAN-DEC 2017	390,462.60

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PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MTBE01 - Maint of Medians & Planters</i>				
P94518	00187224	SKAGIT GARDENS INC	PETUNIA PLANTS FOR DOWNTOWN PL	2,174.49
P0095104	00187164	HOME DEPOT CREDIT SERVICE	FERTILIZER, MULCH & SPREADER	182.40
<i>Org Key: PO1100 - Administration (PO)</i>				
P0095210	00187198	PACIFIC MODULAR	Patrol kitchen & bathroom floo	3,894.00
	00187257	US BANK CORP PAYMENT SYS	HOLIDAY INN EXPRESS	737.00
P0095088	00187169	INT'L FIREARM SPECIALIST ACDMY	Firearm Specialist Training fo	525.00
	00187257	US BANK CORP PAYMENT SYS	FOSS HARBOR MARINA	421.76
P0094904	00187138	CDW GOVERNMENT INC	Surfacebook w/Dock and Warrant	285.97
	00187257	US BANK CORP PAYMENT SYS	TACOMA FUEL DOCK	243.73
	00187257	US BANK CORP PAYMENT SYS	Paint supplies & samples-PTL k	118.27
	00187257	US BANK CORP PAYMENT SYS	NORCOM emp appreciation week	73.70
	00187257	US BANK CORP PAYMENT SYS	Flooring consultation-PTL kitc	67.10
	00187257	US BANK CORP PAYMENT SYS	Paper products for PTL kitchen	55.74
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	20.00
	00187257	US BANK CORP PAYMENT SYS	Office supplies	19.02
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	17.98
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	15.00
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	15.00
	00187257	US BANK CORP PAYMENT SYS	Credit for incorrect charge	-225.76
<i>Org Key: PO1350 - Police Emergency Management</i>				
	00187257	US BANK CORP PAYMENT SYS	Citizen's Academy t-shirts	569.40
	00187257	US BANK CORP PAYMENT SYS	NAT ASSOC FOR SEARCH RE	225.00
<i>Org Key: PO1700 - Records and Property</i>				
P0095062	00187183	LYNN PEAVEY CO	Evidence boxes	209.28
<i>Org Key: PO1900 - Jail/Home Monitoring</i>				
P0095061	00187172	ISSAQUAH CITY JAIL	March jail bill	3,686.00
P0095108	00187219	SCORE	April bill-20 days	3,253.00
<i>Org Key: PO2100 - Patrol Division</i>				
	00187257	US BANK CORP PAYMENT SYS	ACT*ACTIVE EVENTS REG	850.00
	00187257	US BANK CORP PAYMENT SYS	GPS Tracking Tools	596.70
P0095107	00187207	QUENCH USA INC	Water machines	473.04
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *WSCPA	195.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *WSCPA	195.00
	00187257	US BANK CORP PAYMENT SYS	BLS*BREEZESYS	175.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *WSCPA	125.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *WSCPA	125.00
	00187257	US BANK CORP PAYMENT SYS	SAFE RIDE NEWS PUBLICATIO	96.80
	00187257	US BANK CORP PAYMENT SYS	Bicycle repair for 11I10	29.99
	00187257	US BANK CORP PAYMENT SYS	Bicycle repair for #142	21.78
	00187257	US BANK CORP PAYMENT SYS	76 - SOUTHCENTER GAS STAT	16.00
<i>Org Key: PO2200 - Marine Patrol</i>				
	00187257	US BANK CORP PAYMENT SYS	Lodging for Marine Patrol Trai	540.90
	00187257	US BANK CORP PAYMENT SYS	Lodging for Marine Patrol Trai	540.90
	00187257	US BANK CORP PAYMENT SYS	Fuel for Marine Patrol Truck	70.12
	00187257	US BANK CORP PAYMENT SYS	Fuel for Patrol 12	2.35

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PO3100 - Investigation Division</i>				
P0095121	00187233	THOMSON REUTERS - WEST	CIS intel database	303.38
<i>Org Key: PO4100 - Firearms Training</i>				
	00187257	US BANK CORP PAYMENT SYS	Returning firearms equip-USPS	57.75
<i>Org Key: PR1100 - Administration (PR)</i>				
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	999.78
	00187257	US BANK CORP PAYMENT SYS	NRPA conference registration	535.00
	00187257	US BANK CORP PAYMENT SYS	WRPA Conference hotel & parkin	479.01
	00187257	US BANK CORP PAYMENT SYS	SQ *SHAWN'S CATERIN	402.41
	00187257	US BANK CORP PAYMENT SYS	SQ *SHAWN'S CATERIN	400.77
	00187257	US BANK CORP PAYMENT SYS	SQ *SHAWN'S CATERIN	358.06
	00187257	US BANK CORP PAYMENT SYS	SQ *SHAWN'S CATERIN	348.76
P93571	00187265	XEROX CORPORATION	Lease and print charges for NE	348.45
	00187257	US BANK CORP PAYMENT SYS	SQ *SHAWN'S CATERIN	332.39
	00187257	US BANK CORP PAYMENT SYS	NRPA conference - hotel depos	237.29
	00187257	US BANK CORP PAYMENT SYS	COSTCO WHSE #0767	67.30
	00187257	US BANK CORP PAYMENT SYS	COSTCO WHSE #0001	56.02
	00187257	US BANK CORP PAYMENT SYS	HOMEGROWN MOTO	54.12
	00187257	US BANK CORP PAYMENT SYS	P&R monthly newsletter	50.60
	00187257	US BANK CORP PAYMENT SYS	WRPA Conference dinner for TB/	45.91
	00187257	US BANK CORP PAYMENT SYS	WRPA conference travel - fuel	41.54
P93566	00187145	CRYSTAL AND SIERRA SPRINGS	Monthly water service delivery	39.67
	00187257	US BANK CORP PAYMENT SYS	lg laminating sheets - departm	33.23
	00187257	US BANK CORP PAYMENT SYS	WRPA conference travel - fuel	28.58
	00187257	US BANK CORP PAYMENT SYS	WALGREENS #3733	27.50
	00187257	US BANK CORP PAYMENT SYS	WRPA breakfast for TB/AB	26.16
	00187257	US BANK CORP PAYMENT SYS	Department Survey subscripton	26.00
	00187257	US BANK CORP PAYMENT SYS	WRPA conf - TB & AB breakfast	15.22
	00187257	US BANK CORP PAYMENT SYS	Rotary	15.00
	00187257	US BANK CORP PAYMENT SYS	Rotary	15.00
	00187257	US BANK CORP PAYMENT SYS	Rotary	15.00
	00187257	US BANK CORP PAYMENT SYS	REGISTER.COM*133FA871J	14.00
	00187257	US BANK CORP PAYMENT SYS	Replacement cutter blades	11.07
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	1.69
	00187257	US BANK CORP PAYMENT SYS	NEW SEASONS MARKET	1.49
<i>Org Key: PR2100 - Recreation Programs</i>				
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND HO	668.42
	00187257	US BANK CORP PAYMENT SYS	Lodging and parking for the WR	511.65
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND HO	479.00
	00187257	US BANK CORP PAYMENT SYS	Hotel for Diane and Katie at t	439.83
P0095073	00187228	SUNDSTROM, ROBERT	Birding Trip - Spring Sage &	439.20
	00187257	US BANK CORP PAYMENT SYS	Tickets for Terracotta Warrior	325.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *PLAYWELLTEK	186.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *PLAYWELLTEK	186.00
	00187257	US BANK CORP PAYMENT SYS	Senior Trip Admission	154.00
	00187257	US BANK CORP PAYMENT SYS	SAHARA PIZZA	126.34
	00187257	US BANK CORP PAYMENT SYS	Pizza for Parent's Night Out.	120.97
	00187257	US BANK CORP PAYMENT SYS	Community Appreciation Day	109.96

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187257	US BANK CORP PAYMENT SYS	PON PROEM	109.22
P0095075	00187147	DATAQUEST LLC	Background checks for Seasonal	63.00
	00187257	US BANK CORP PAYMENT SYS	Dinner for 3 staff at WRPA con	60.86
	00187257	US BANK CORP PAYMENT SYS	Tickets to Terracotta Warrior	58.80
	00187257	US BANK CORP PAYMENT SYS	Construction supplies for Pare	55.24
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND	52.61
	00187257	US BANK CORP PAYMENT SYS	Supplies for Parent's Night ou	40.24
	00187257	US BANK CORP PAYMENT SYS	SAFEWAY STORE10005262	36.51
	00187257	US BANK CORP PAYMENT SYS	RUSTY MOOSE BAR AND GRILL	36.46
	00187257	US BANK CORP PAYMENT SYS	Staff Lunch for two at LaConne	36.38
	00187257	US BANK CORP PAYMENT SYS	Run Like A Girl boost	36.07
	00187257	US BANK CORP PAYMENT SYS	Lunch for 3 staff at WRPA annu	35.03
	00187257	US BANK CORP PAYMENT SYS	Dinner at the WRPA annual conf	28.94
	00187257	US BANK CORP PAYMENT SYS	Craft supplies for Parent's Ni	22.76
	00187257	US BANK CORP PAYMENT SYS	Art supplies for Drawing Class	21.54
	00187257	US BANK CORP PAYMENT SYS	Staff lunch at Senior Trip Fie	19.40
	00187257	US BANK CORP PAYMENT SYS	WSCC PFD PARKING	19.00
	00187257	US BANK CORP PAYMENT SYS	Parking for senior trip to the	17.00
	00187257	US BANK CORP PAYMENT SYS	O DOHERTYS	15.99
	00187257	US BANK CORP PAYMENT SYS	NEW SEASONS MARKET	15.30
	00187257	US BANK CORP PAYMENT SYS	Staff meal on Senior Golf trip	11.00
	00187257	US BANK CORP PAYMENT SYS	Craft supplies for Parent's Ni	10.98
	00187257	US BANK CORP PAYMENT SYS	Breakfast and coffee at WRPA a	10.25
	00187257	US BANK CORP PAYMENT SYS	Crafts supplies for Parent's N	10.08
	00187257	US BANK CORP PAYMENT SYS	MADELEINES CAFE & PATISSE	9.65
	00187257	US BANK CORP PAYMENT SYS	Bottled water for Parent's Nig	4.38
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	3.89
Org Key: PR2101 - Youth and Teen Camps				
P0095172	00187144	COOK LEARN GROW LLC	Summer Camps partial Payment	1,000.00
P0095075	00187147	DATAQUEST LLC	Background checks for Seasonal	83.00
	00187257	US BANK CORP PAYMENT SYS	MOS PIZZA - WA	45.31
Org Key: PR2104 - Special Events				
	00187257	US BANK CORP PAYMENT SYS	Egg Hunt Candy	57.57
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND AUTO SP	17.25
	00187257	US BANK CORP PAYMENT SYS	LAKESHORE LEARNING #09	8.09
Org Key: PR2108 - Health and Fitness				
P0095164	00187181	LEDBETTER-KRAFT, DELORES E	Instructor fee Course #16974	1,029.00
P0095163	00187186	McCARTHY, MORGAN	Instructor Fee Course #17021	656.60
P0095165	00187216	SALZETTI, ERIC	Instructor fee Course #16961	598.50
P0095165	00187216	SALZETTI, ERIC	Instructor fee Course Power Fl	573.30
P0095165	00187216	SALZETTI, ERIC	Instructor fee Course #16955	534.80
P0095162	00187230	SWIFT, KAREN	Instructor fee Course #17104	383.14
P0095178	00187217	SANCHEZ-JAUREGUI, BEATRIZ	Instructor Fee Course #17195	357.70
P0095181	00187212	ROSENSTEIN, SUSIE	Susie Rosenstein personal trai	300.00
P0095162	00187230	SWIFT, KAREN	Instructor fee Course#17101	134.40
	00187257	US BANK CORP PAYMENT SYS	Yoga blocks	44.45
	00187257	US BANK CORP PAYMENT SYS	Golf	26.92
	00187257	US BANK CORP PAYMENT SYS	Golf	10.99

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PR3500 - Senior Services</i>				
	00187257	US BANK CORP PAYMENT SYS	STARBUCKS STORE 03330	280.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	91.95
P0095075	00187147	DATAQUEST LLC	Background checks for Seasonal	51.50
P93826	00187184	M & M BALLOON CO	Helium tank rental & helium fo	23.65
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	23.05
	00187257	US BANK CORP PAYMENT SYS	C&C SMART FOOD52105590	18.39
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	14.95
	00187257	US BANK CORP PAYMENT SYS	OFFICEMAX/OFFICEDEPOT	4.28
<i>Org Key: PR4100 - Community Center</i>				
P93726	00187223	SIGNATURE LANDSCAPE SERVICES	2017 MICEC Landscape Maintenan	1,343.39
P0095074	00187215	SAGACITY MEDIA INC	MICEC Ad	1,096.00
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND HO	569.87
P0095112	00187150	DUNBAR ARMORED	Armored Car Service May 2017	546.58
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND HO	524.71
	00187257	US BANK CORP PAYMENT SYS	YELPINC*BIZSERVICES	350.00
	00187257	US BANK CORP PAYMENT SYS	QUALITY LOGO PRODUCTS	326.04
P0095076	00187146	CRYSTAL SPRINGS	coffee/tea concessions. 3.17	306.84
P0095100	00187218	SANDERSON SAFETY SUPPLY	HOOD FIRE SUPPRESSION TEST	290.00
P0095077	00187146	CRYSTAL SPRINGS	coffee/tea concessions. Invoice	251.78
	00187257	US BANK CORP PAYMENT SYS	COSTCO WHSE #0001	244.71
	00187257	US BANK CORP PAYMENT SYS	QUALITY LOGO PRODUCTS	243.82
	00187257	US BANK CORP PAYMENT SYS	QDOBA MEXICAN GRILL-390	235.00
P93827	00187142	COMCAST	2017 High speed connection cha	163.65
P0095078	00187194	MORGAN SOUND INC	blue ray repair.	153.97
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	126.12
	00187257	US BANK CORP PAYMENT SYS	C&C SMART FOOD52105517	106.86
	00187257	US BANK CORP PAYMENT SYS	WAL-MART #5939	95.86
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	89.12
	00187257	US BANK CORP PAYMENT SYS	AZTECA SPOKANE FALLS	76.77
	00187257	US BANK CORP PAYMENT SYS	MCNAMARA SIGNS	74.87
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	59.99
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	51.92
	00187257	US BANK CORP PAYMENT SYS	ROBERT BROOKE & ASSOCIAT	45.05
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	38.09
P0095066	00187156	GRAINGER	DRYER SHEETS	38.46
	00187257	US BANK CORP PAYMENT SYS	THE DAVENPORT GRAND	30.00
	00187257	US BANK CORP PAYMENT SYS	HOBBY LOBBY #481	27.04
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	24.99
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	24.78
	00187257	US BANK CORP PAYMENT SYS	MAIN MARKET CO-OP - NC	22.54
	00187257	US BANK CORP PAYMENT SYS	LUNA RESTAURANT	21.41
	00187257	US BANK CORP PAYMENT SYS	WALGREENS #3733	16.75
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	8.49
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	5.48
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	5.00
<i>Org Key: PR5400 - Gallery Program</i>				
	00187257	US BANK CORP PAYMENT SYS	TRADER JOE'S #157 QPS	17.24
	00187257	US BANK CORP PAYMENT SYS	SAFEWAY STORE 00029322	7.71

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PR6100 - Park Maintenance</i>				
P0095167	00187231	T&L NURSERY INC	HANGING FLOWER BASKETS	528.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *EPPLEY	340.00
P0095086	00187166	HORIZON	FERTILIZER	151.69
	00187257	US BANK CORP PAYMENT SYS	EVERGREEN SAFETY COUNCIL	85.00
	00187257	US BANK CORP PAYMENT SYS	EVERGREEN SAFETY COUNCIL	85.00
P0095120	00187166	HORIZON	TRIMMER LINE	77.10
P0095064	00187190	MI HARDWARE - MAINT	MISC. HARDWARE FOR THE MONTH O	13.85
P0095075	00187147	DATAQUEST LLC	Background checks for Seasonal	10.00
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0095105	00187226	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	166.49
	00187257	US BANK CORP PAYMENT SYS	SIGNSONTHECHEAP.COM	141.85
P0095086	00187166	HORIZON	HAND PUMPS	64.53
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P0095167	00187231	T&L NURSERY INC	HANGING FLOWER BASKETS	1,936.00
P0095064	00187190	MI HARDWARE - MAINT	MISC. HARDWARE FOR THE MONTH O	328.30
P0095196	00187166	HORIZON	MISC. IRRIGATION FITTINGS	226.49
P0095120	00187166	HORIZON	MISC. PARTS FOR OUTDOOR POWER	189.53
P0095058	00187200	PACIFIC RIM EQUIPMENT RENTAL	REAR TINE TILLER RENTAL	154.00
P0095075	00187147	DATAQUEST LLC	Background checks for Seasonal	21.50
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0095058	00187200	PACIFIC RIM EQUIPMENT RENTAL	2) WEED MOWERS RENTAL	831.40
	00187257	US BANK CORP PAYMENT SYS	SIGNSONTHECHEAP.COM	141.85
P0095086	00187166	HORIZON	FERTILIZER	151.69
P0095123	00187237	UNITED SITE SERVICES	Portable restrooms for Island	105.22
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P94317	00187209	REPUBLIC SERVICES #172	2017 PARKS DISPOSAL/RECYCLING	2,070.12
P94171	00187237	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	712.72
	00187257	US BANK CORP PAYMENT SYS	AMERICAN MEADOWS	456.65
P94171	00187237	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	302.40
P0095196	00187166	HORIZON	MISC. IRRIGATION FITTINGS	226.48
P0095106	00187226	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	60.50
P93801	00187232	T-MOBILE	2017 Services for Boat Launch	49.99
	00187257	US BANK CORP PAYMENT SYS	AMERICAN MEADOWS	17.90
<i>Org Key: PR6800 - Trails Maintenance</i>				
	00187257	US BANK CORP PAYMENT SYS	GOODSELL POWER EQUIP	40.67
	00187257	US BANK CORP PAYMENT SYS	JOHNSON'S SPIRIT	39.84
	00187257	US BANK CORP PAYMENT SYS	HARBORVIEW MEDICAL CENTER	5.00
<i>Org Key: PY4616 - Flex Admin 2016</i>				
	00187128	STEWART, H WAYNE	Flex Spending Reimbursement	459.00
<i>Org Key: PY4617 - Flex Spending Admin 2017</i>				
	00187125	MANDEVILLE, TROY	Flex Spending	1,680.00
	00187122	HOOMAN, ELLIE	Flex Spending Reimbursement	434.78
	00187127	MORRIS, CLINTON E	Flex Spending	363.45
	00187126	MCCOY, STEPHEN W	Flex Spending	160.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187123	JUDD, JOLENE	Flex Spending	113.99
<i>Org Key: VCP426 - CIP Sewer Salaries</i>				
	00187257	US BANK CORP PAYMENT SYS	AWWA EVENTS	810.00
<i>Org Key: VCP432 - CIP Storm Drainage Salaries</i>				
	00187257	US BANK CORP PAYMENT SYS	WSU CONF MGMT	50.00
<i>Org Key: WG105R - Community Center Bldg Repairs</i>				
P0095202	00187234	THYSSENKRUPP ELEVATOR CORP	INSTALL PIT STOP SWITCH	1,111.00
<i>Org Key: WG110T - Computer Equip Replacements</i>				
P94451	00187148	DELL MARKETING L.P.	2017 Computer Replacements	31,378.51
P0094915	00187148	DELL MARKETING L.P.	7 Dell Desktops 2017 Replaceme	6,516.76
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	247.25
P0094904	00187138	CDW GOVERNMENT INC	Surfacebook w/Dock and Warrant	235.49
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	90.24
<i>Org Key: WG130E - Equipment Rental Vehicle Repl</i>				
P94104	00187141	COLUMBIA FORD	ROW FL-0377 REPLACEMENT	25,341.25
P94483	00187177	KIA MOTORS FINANCE	DSG 2016 KIA SOUL LEASE	211.36
P94483	00187177	KIA MOTORS FINANCE	LATE CHARGE	10.57
P94104	00187141	COLUMBIA FORD	PROMPT PAYMENT CREDIT	-300.00
<i>Org Key: WP122P - Open Space - Pioneer/Engstrom</i>				
P93946	00187151	EARTHCORPS INC	2017-2018 Earthcorps Volunteer	590.00
P94171	00187237	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	151.20
<i>Org Key: WP122R - Vegetation Management</i>				
P93597	00187195	MOUNTAINS TO SOUND	2017-18 Mountains to Sound Gre	2,082.00
P93946	00187151	EARTHCORPS INC	2017 - 2018 EarthCorps Volunt	590.00
	00187257	US BANK CORP PAYMENT SYS	PAYPAL *PNW-ISA	246.99
	00187257	US BANK CORP PAYMENT SYS	MCLENDON HARDW- RENTON	87.98
	00187257	US BANK CORP PAYMENT SYS	MCLENDON HARDW- RENTON	87.98
	00187257	US BANK CORP PAYMENT SYS	UW BOTANIC GARDENS	85.00
<i>Org Key: WP503R - Luther Burbank Pk Minor Impvt</i>				
	00187257	US BANK CORP PAYMENT SYS	BUSHNELL	9.99
<i>Org Key: WP506R - Swim Beach Repairs</i>				
P91615	00187149	DROLL LANDSCAPE ARCH, ROBERT W	Groveland Park Repair & Shorel	2,047.50
<i>Org Key: WR111R - Pavement Markings</i>				
P0095057	00187129	ALPINE PRODUCTS INC	TRAFFIC PAINT, PREMARK HANDICA	1,458.60
<i>Org Key: WS901D - Sewer Sys Pump Sta Repairs</i>				
P0095080	00187236	UNITED RENTALS NORTHWEST INC	PS 19 GENIE FORKLIFT	1,241.02
P0095138	00187164	HOME DEPOT CREDIT SERVICE	4' LED BULBS FOR SEWER PUMP ST	308.25
<i>Org Key: WW102P - Water Model and Fire Flow Anal</i>				
P92697	00187161	HDR ENGINEERING INC	2016 MERCER ISLAND WATER MODEL	2,436.03
<i>Org Key: WW521C - Water Components Replacement</i>				
P0095026	00187158	H D FOWLER	6" GATE VALVE, SLEEVES & MJ KI	774.58

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: WW527R - 3838 WMW Water Improvements</i>				
P94158	00187136	BLUELINE GROUP	3838 WMW WATER SYSTEM	1,419.59
<i>Org Key: YF1100 - YFS General Services</i>				
P93572	00187225	SOUND PUBLISHING INC	Island Guide - annual "ad" for	450.00
P93571	00187265	XEROX CORPORATION	Lease and print/copy charges f	443.86
P0095112	00187150	DUNBAR ARMORED	Armored Car Service May 2017	257.96
P0095113	00187135	BELLEVUE, CITY OF	2017 Human Services Program	220.00
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	174.18
	00187257	US BANK CORP PAYMENT SYS	PAGLIACCI MERCER ISLAND	78.18
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	74.52
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM AMZN.COM/BILL	65.98
P93530	00187191	MI HARDWARE - YFS	Operating supplies for Tshop a	63.17
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	50.00
P93566	00187145	CRYSTAL AND SIERRA SPRINGS	Monthly water service for LB	39.66
	00187257	US BANK CORP PAYMENT SYS	FRED-MEYER #0459	28.12
	00187257	US BANK CORP PAYMENT SYS	SQ *MERCER ISLAND R	20.00
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	13.05
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	12.09
	00187257	US BANK CORP PAYMENT SYS	AMAZON.COM	9.65
<i>Org Key: YF1200 - Thrift Shop</i>				
P0095125	00187214	SAGACITY CUSTOM PUBLISHING	Thrift Shop: special ad placed	1,096.00
	00187257	US BANK CORP PAYMENT SYS	OLD SPAGHETTI FCTRY 39	781.58
P0094817	00187227	STRANGER, THE	Advertising for Thrift Shop -	650.00
P0095112	00187150	DUNBAR ARMORED	Armored Car Service May 2017	548.01
	00187257	US BANK CORP PAYMENT SYS	COSTCO *BUS DELIV 115	506.94
	00187257	US BANK CORP PAYMENT SYS	COSTCO *BUS DELIV 115	264.70
	00187257	US BANK CORP PAYMENT SYS	HOMEGROWN MOTO	257.61
P93726	00187223	SIGNATURE LANDSCAPE SERVICES	2017 Thrift Shop Landscape	246.87
	00187257	US BANK CORP PAYMENT SYS	STRANGER/MERCURY ADS	200.00
	00187257	US BANK CORP PAYMENT SYS	TRADER JOE'S #162 QPS	186.24
	00187257	US BANK CORP PAYMENT SYS	AMAZON MKTPLACE PMTS	109.10
	00187257	US BANK CORP PAYMENT SYS	THE HOME DEPOT #4702	66.02
	00187257	US BANK CORP PAYMENT SYS	ADOBE	32.99
	00187257	US BANK CORP PAYMENT SYS	MOOD PANDORA	29.51
	00187257	US BANK CORP PAYMENT SYS	GRADLEADERS INC.	25.00
P93570	00187157	GRAND & BENEDICTS INC	Operating supplies for Thrift	17.72
	00187257	US BANK CORP PAYMENT SYS	SQUARESPACE INC.	10.00
<i>Org Key: YF2100 - School/City Partnership</i>				
	00187257	US BANK CORP PAYMENT SYS	COB CONFERENCE SVCS	50.00
<i>Org Key: YF2300 - VOICE Program</i>				
P93572	00187225	SOUND PUBLISHING INC	VOICE/SVP ad in spring edition	228.50
	00187257	US BANK CORP PAYMENT SYS	PENINSULA DAILY NEWS ADV	97.00
P0095146	00187202	PROJECT A INC	VOICE/SVP web page form	47.50
	00187257	US BANK CORP PAYMENT SYS	SEATTLE METER PARKING	3.00
	00187257	US BANK CORP PAYMENT SYS	SEATTLE METER PARKING	3.00
	00187257	US BANK CORP PAYMENT SYS	THE UPS STORE 2679	2.01
<i>Org Key: YF2500 - Family Counseling</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P93569	00187137	BREWTON MD, LUKE	Clinical consultations in 2017	150.00
	00187257	US BANK CORP PAYMENT SYS	COB CONFERENCE SVCS	50.00
<i>Org Key: YF2600 - Family Assistance</i>				
	00187257	US BANK CORP PAYMENT SYS	QFC #5998	1,960.00
P93580	00187222	SHOREWOOD HEIGHTS	Rental assistance for Emergenc	1,000.00
P93574	00187175	KC HOUSING AUTHORITY	Rental assistance for EA clien	651.00
	00187257	US BANK CORP PAYMENT SYS	ACT*MERCER IS PARKS	351.00
P93578	00187204	PUGET SOUND ENERGY	Utility Assistance for Emerenc	134.24
P93578	00187203	PUGET SOUND ENERGY	Utility Assistance for Emerenc	119.64
P93578	00187206	PUGET SOUND ENERGY	Utility Assistance for Emerenc	82.88
	00187257	US BANK CORP PAYMENT SYS	QFC #5839	50.00
P93578	00187205	PUGET SOUND ENERGY	Utility Assistance for Emerenc	25.54
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
P93736	00187159	HAMP, TIMOTHY	Two PSA projects, paid in thre	3,690.00
	00187257	US BANK CORP PAYMENT SYS	P&R monthly newsletter	75.91
	00187257	US BANK CORP PAYMENT SYS	EIG*HOMESTEAD	21.99
Total				1,184,494.17

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	187266-187345	6/01/2017	\$ 102,572.61
			\$ 102,572.61

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187266	06/01/2017	ARCTIC ASSET MANAGEMENT LLC PERMIT REFUND		SHL17007	05/12/2017	2,375.18
00187267	06/01/2017	BONTATIBUS, DEBORAH rental 23969 complete. Returni	P0095222	23969	05/25/2017	59.00
00187268	06/01/2017	BURNS, LESLIE PER DIEM REIMB WASPC CONF		OH008225	05/23/2017	96.00
00187269	06/01/2017	BYKONEN CARTER QUINN COMM CNTR STORAGE ADDITION	P0095251	18052	05/11/2017	630.00
00187270	06/01/2017	CEDAR GROVE COMPOSTING INC LANDSCAPE MULCH (30 YDS)	P0095122	818213	05/11/2017	1,173.16
00187271	06/01/2017	CESSCO INVENTORY PURCHASES	P0095188	6819	05/17/2017	249.94
00187272	06/01/2017	CODE PUBLISHING CO CODE TIPS SETUP FEE	P0095094	56412	05/09/2017	220.00
00187273	06/01/2017	COLASURDO-COX, KATHY account adjustment for deposit	P0095205	OH008210	05/15/2017	27.25
00187274	06/01/2017	COMCAST CITY HALL HIGH SPEED INTERNET	P93439	OH008209	05/12/2017	111.45
00187275	06/01/2017	COMPTON LUMBER & HARDWARE INC TREATED LUMBER	P0095204	510441	05/16/2017	2,450.71
00187276	06/01/2017	CORK, TAMBIA A TRAINING ESPENSES		OH008241	05/09/2017	3,260.74
00187277	06/01/2017	CRAWFORD DOOR COMPANY REPAIR OF MIDI BIFOLD DOOR FS9	P0095258	98642	05/12/2017	1,404.90
00187278	06/01/2017	DAILY JOURNAL OF COMMERCE INV 3320850 WAYFINDING	P0095185	3321086/3320850	01/09/2017	2,258.00
00187279	06/01/2017	DALY, RYAN PER DIEM REIMB WRPA CONF		OH008228	05/15/2017	162.05
00187280	06/01/2017	DANIEL, KAMARIA MI-TV 05/01/17 Council Meeting	P0095249	004	05/01/2017	1,500.00
00187281	06/01/2017	DENTZ, LISA HYI Posters & billboard	P0095221	144	05/22/2017	125.00
00187282	06/01/2017	DEPT OF LICENSING Notary License Renewal (Spietz	P0095259	OH008211	05/30/2017	30.00
00187283	06/01/2017	EASTSIDE EXTERMINATORS EXTERMINATOR SERVICE	P0095166	338904	05/13/2017	230.01
00187284	06/01/2017	EISEN, CHLOE L Instructor fees - course #1692	P0095184	16927/16928	05/22/2017	553.00
00187285	06/01/2017	EPSCA MONTHLY RADIO ACCESS FEES 44 R	P93437	8932	05/01/2017	2,903.75
00187286	06/01/2017	ESA Peer review on CAO16-002	P0095157	127879	05/03/2017	1,120.00
00187287	06/01/2017	FIRE PROTECTION INC B BLDG SPEAKER TROUBLE	P0095239	38695	05/22/2017	354.20
00187288	06/01/2017	FRANKLIN, JENNIFER D SUPPLIES/REGNL BADG TRNG		OH008219	04/26/2017	163.44
00187289	06/01/2017	G W INC 2 - Gen 4 Glock 22s with Triji	P0095129	909242	05/11/2017	2,630.93
00187290	06/01/2017	GILBERT, RACHEL MILEAGE EXPENSE		OH008229	05/15/2017	292.11
00187291	06/01/2017	GLOBAL EQUIPMENT CO INC STORAGE & SORTING BINS	P0095254	110833170	03/27/2017	5,755.52

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187292	06/01/2017	GRAINGER MARKING FLAGS (BLUE)	P0095142	9446202633	05/16/2017	259.10
00187293	06/01/2017	GRAY, KATY S. Instructor fees - course #1720	P0095198	17201	05/24/2017	489.30
00187294	06/01/2017	GREATWORK/VILLACOM LLC I-90 Mobility Communications A	P0095139	0170	05/11/2017	8,750.00
00187295	06/01/2017	GREER, J SCOTT Pro tem judge 5.22.17	P0095242	OH008212	05/30/2017	400.00
00187296	06/01/2017	GUTTU, TOM 9/11 ARTWORK SHIPPING REFUND		OH008236	05/15/2017	280.80
00187297	06/01/2017	H D FOWLER INVENTORY PURCHASES	P0095176	I4501969	05/15/2017	7,252.23
00187298	06/01/2017	HACH COMPANY PH 4.01 BUFFER SOLUTION (20 PK	P0095147	10450812	05/11/2017	97.43
00187299	06/01/2017	HOLMES, EDWARD J MILEAGE EXPENSE		OH008223	05/28/2017	365.64
00187300	06/01/2017	HOME DEPOT CREDIT SERVICE INVENTORY PURCHASES	P0095093	0128611011937	05/12/2017	251.85
00187301	06/01/2017	HONEYWELL, MATTHEW V Professional Services - Invoic	P0095170	975	05/16/2017	2,950.00
00187302	06/01/2017	HOUVENER, ZACHARY MILEAGE EXPENSE		OH008230	05/10/2017	293.18
00187303	06/01/2017	HUTCHINSON, KANDI Rental 22940 complete. Returni	P0095236	22940	05/30/2017	350.00
00187304	06/01/2017	INTERCOM LANGUAGE SERVICES INC Interpreting Services 17-166	P0095244	1739	02/24/2017	960.00
00187305	06/01/2017	ISLAND SQUARE APARTMENTS Partial rent payment for June	P0095219	OH008213	05/25/2017	1,000.00
00187306	06/01/2017	JOHNSON JR, MARV Instructor fees - course #1698	P0095186	16988	05/22/2017	973.00
00187307	06/01/2017	KC PET LICENSES KC PET LICENSE FEES COLLECTED	P93440	OH008215	04/30/2017	30.00
00187308	06/01/2017	KC RECORDER SEWER RELEASES	P0095109	OH008202	05/15/2017	66.00
00187309	06/01/2017	KING CO PROSECUTING ATTORNEY COURT REMITTANCE KC CRIME VICT	P93441	OH008214	04/30/2017	479.68
00187310	06/01/2017	KITCHEN PLUS OVERPAYMENT REFUND		OH008221	05/25/2017	2,675.09
00187311	06/01/2017	KROESENS UNIFORM COMPANY Academy uniforms & gear-Hammer	P0095144	43825/44392/4438	05/12/2017	4,218.79
00187312	06/01/2017	KUSAK CUT GLASS WORKS 2016 Citizen of the Year Plaqu	P0095214	47254	05/23/2017	142.73
00187313	06/01/2017	LONG,AH SWEE OVERPAYMENT REFUND		OH008227	05/22/2017	2,263.26
00187314	06/01/2017	MAGNAN, JEFF PER DIEM REIMB WASPC CONF		OH008226	05/25/2017	96.00
00187315	06/01/2017	MAIR, STEPHEN TUITION REIMB		OH008231	05/17/2017	1,113.20
00187316	06/01/2017	McLENDON HARDWARE INC INVENTORY PURCHASES	P0095092	466083/2	05/12/2017	103.20
00187317	06/01/2017	NOVAK, JOHN SMOKE HOUSE PROP SUPPLIES		OH008232	05/17/2017	387.43

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187318	06/01/2017	NW PROGRESSIVE INSTITUTE Rental 22486 complete. Returni	P0095206	22486	05/12/2017	306.50
00187319	06/01/2017	OLSON, JOHN R Pro tem judge 5.25.17	P0095243	OH008216	05/25/2017	100.00
00187320	06/01/2017	PACIFIC AIR CONTROL INC CITY HALL COOLING TOWER PIPE R	P0095252	2753	05/05/2017	591.51
00187321	06/01/2017	PARR, RYAN MILEAGE EXPENSES		OH008235	05/16/2017	162.99
00187322	06/01/2017	PERRONE CONSULTING INC PS Engineering consultations	P0095160	17114-01/17111-0	05/12/2017	1,968.75
00187323	06/01/2017	PETTY CASH FUND THRIFT SHOP PETTY CASH REIMB		OH008240	05/17/2017	93.09
00187324	06/01/2017	POTHOVEN, DENNIS OVERPAYMENT REFUND		OH008233	05/16/2017	187.44
00187325	06/01/2017	PRO-VAC INV 78013 RELEASE FOR 2014 INV	P0095227	RETAINAGE2014	05/26/2017	4,056.95
00187326	06/01/2017	PUGET SOUND SR SOFTBALL ASSOC League fees for co-ed softball	P0095183	882726	05/22/2017	165.00
00187327	06/01/2017	PUSHING BOUNDRIES rental 23573 complete. Returni	P0095207	23573	05/12/2017	150.00
00187328	06/01/2017	REID MIDDLETON INC STRUCTURAL ENGINEER MAIN SHOP	P0095253	1704118	05/03/2017	5,887.50
00187329	06/01/2017	REMOTE SATELLITE SYSTEMS INT'L EMAC Sat phone	P0095269	00088044	05/10/2017	48.95
00187330	06/01/2017	RYDIN DECAL TOWN CENTER PARKING PERMIT STI	P0094833	330817	05/12/2017	692.67
00187331	06/01/2017	SCHOENTRUP, WILLIAM FRLEOFF1 Retiree Medical Expen	P0095084	OH008217	05/11/2017	542.26
00187332	06/01/2017	SCHUMACHER, CHAD C PER DIEM REIMB WHIA ANNUAL CON		OH008238	05/15/2017	199.39
00187333	06/01/2017	SHOREWOOD HEIGHTS Rental assistance for Emergenc	P93580	OH008218	05/31/2017	1,000.00
00187334	06/01/2017	SOREANO'S PLUMBING INC Plumbing draw for Section A-Pa	P0095268	402143162	05/22/2017	2,675.00
00187335	06/01/2017	SOUND PUBLISHING INC Ntc: Ord No. 17C-08 1854873 04	P0095217	7760540	04/30/2017	531.03
00187336	06/01/2017	TACOMA SCREW PRODUCTS INC LAG SCREWS & WASHERS	P0095134	16204656	05/16/2017	24.29
00187337	06/01/2017	TONELLA-HOWE, ANNE PARKING FEE		OH008224	05/18/2017	14.00
00187338	06/01/2017	TRAFFIC SAFETY SUPPLY INVENTORY PURCHASES	P0095117	127703	05/12/2017	1,015.03
00187339	06/01/2017	TROY, BRIAN CASEY MILEAGE EXPENSES		OH008220	05/16/2017	119.09
00187340	06/01/2017	UNDERWATER SPORTS INC. Dry suit-Herzog #20013426	P0095237	20113219/426/659	04/19/2017	3,983.56
00187341	06/01/2017	UNITED SITE SERVICES Volunteer Event Portable Restr	P93945	1144902803	01/19/2017	110.76
00187342	06/01/2017	WA LEGAL MESSENGERS INC Legal Messenger Fee - Integrat	P0095171	315721	05/11/2017	20.00
00187343	06/01/2017	WASHINGTON2 ADVOCATES LLC May 2017 I-90 Loss of Mobility	P0095261	5837	05/31/2017	10,000.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00187344	06/01/2017	WILLIAMS KASTNER & GIBBS PLLC Professional Services - Freema	P0095215	552505	05/16/2017	1,146.60
00187345	06/01/2017	WR McDONALD COMPANY SCREEN FITTING FOR LAKE WATER	P0095133	CMI-5-17	05/11/2017	396.00
					Total	<u>102,572.61</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P93441	00187309	KING CO PROSECUTING ATTORNEY	COURT REMITTANCE KC CRIME VICT	479.68
P0095236	00187303	HUTCHINSON, KANDI	Rental 22940 complete. Returni	350.00
P0095206	00187318	NW PROGRESSIVE INSTITUTE	Rental 22486 complete. Returni	306.50
P0095207	00187327	PUSHING BOUNDRIES	rental 23573 complete. Returni	150.00
P0095222	00187267	BONTATIBUS, DEBORAH	rental 23969 complete. Returni	59.00
P93440	00187307	KC PET LICENSES	KC PET LICENSE FEES COLLECTED	30.00
P0095205	00187273	COLASURDO-COX, KATHY	account adjustment for deposit	27.25
Org Key: 345000 - Technology-Admin Key				
	00187266	ARCTIC ASSET MANAGEMENT LLC	PERMIT REFUND	69.18
Org Key: 402000 - Water Fund-Admin Key				
P0095176	00187297	H D FOWLER	INVENTORY PURCHASES	5,778.94
	00187313	LONG,AH SWEE	OVERPAYMENT REFUND	2,263.26
P0095177	00187297	H D FOWLER	INVENTORY PURCHASES	1,473.29
P0095117	00187338	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	1,015.03
	00187324	POTHOVEN, DENNIS	OVERPAYMENT REFUND	187.44
P0095188	00187271	CESSCO	INVENTORY PURCHASES	184.27
P0095143	00187292	GRAINGER	INVENTORY PURCHASES	138.67
P0095092	00187316	McLENDON HARDWARE INC	INVENTORY PURCHASES	103.20
P0095093	00187300	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	92.36
P0095216	00187300	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	51.39
P0095224	00187300	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	26.80
Org Key: CA1100 - Administration (CA)				
P0095171	00187342	WA LEGAL MESSENGERS INC	Legal Messenger Fee - Integrat	20.00
Org Key: CA1200 - Prosecution & Criminal Mngmnt				
P0095223	00187301	HONEYWELL, MATTHEW V	Professional Services - Invoice	1,900.00
P0095170	00187301	HONEYWELL, MATTHEW V	Professional Services - Invoice	1,050.00
Org Key: CM11SP - Special Projects-City Mgr				
P0095261	00187343	WASHINGTON2 ADVOCATES LLC	May 2017 I-90 Loss of Mobility	10,000.00
P0095139	00187294	GREATWORK/VILLACOM LLC	I-90 Mobility Communications A	8,750.00
Org Key: CM1200 - City Clerk				
P0095094	00187272	CODE PUBLISHING CO	CODE TIPS SETUP FEE	220.00
P0095217	00187335	SOUND PUBLISHING INC	Ntc: Ord No. 17C-08 1854873 04	54.70
P0095217	00187335	SOUND PUBLISHING INC	Ntc: Spl Joint Meeting 1855567	44.33
P0095259	00187282	DEPT OF LICENSING	Notary License Renewal (Spietz	30.00
Org Key: CO6100 - City Council				
P0095249	00187280	DANIEL, KAMARIA	MI-TV 05/01/17 Council Meeting	450.00
P0095249	00187280	DANIEL, KAMARIA	MI-TV 05/08/17 Council Meeting	360.00
P0095249	00187280	DANIEL, KAMARIA	MI-TV 05/15/17 Council Meeting	360.00
P0095249	00187280	DANIEL, KAMARIA	MI-TV 05/11/17 MISD Board Meet	330.00
P0095214	00187312	KUSAK CUT GLASS WORKS	2016 Citizen of the Year Plaqu	142.73
Org Key: CT1100 - Municipal Court				
P0095244	00187304	INTERCOM LANGUAGE SERVICES INC	Interpreting Services	540.00
P0095242	00187295	GREER, J SCOTT	Pro tem judge 5.23.17	300.00
P0095245	00187304	INTERCOM LANGUAGE SERVICES INC	Interpreting Services 17-26	300.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095246	00187304	INTERCOM LANGUAGE SERVICES INC	Interpreting Services 17-166	120.00
P0095242	00187295	GREER, J SCOTT	Pro tem judge 5.22.17	100.00
P0095243	00187319	OLSON, JOHN R	Pro tem judge 5.25.17	100.00
<i>Org Key: DS0000 - Development Services-Revenue</i>				
	00187266	ARCTIC ASSET MANAGEMENT LLC	PERMIT REFUND	2,306.00
<i>Org Key: DS1100 - Administration (DS)</i>				
P0095157	00187286	ESA	Peer review on CAO16-002	1,120.00
<i>Org Key: DS1200 - Bldg Plan Review & Inspection</i>				
P0095160	00187322	PERRONE CONSULTING INC PS	Engineering consultations	1,137.50
P0095160	00187322	PERRONE CONSULTING INC PS	Engineering consultations	831.25
<i>Org Key: DS1400 - Development Engineering</i>				
P0095217	00187335	SOUND PUBLISHING INC	Ntc: 6 Year TIP Comment 183670	52.11
P0095217	00187335	SOUND PUBLISHING INC	Ntc: 6 Year TIP draft 1836710	36.30
<i>Org Key: FN0000 - Finance Department-Revenue</i>				
	00187310	KITCHEN PLUS	OVERPAYMENT REFUND	2,675.09
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P0095109	00187308	KC RECORDER	SEWER RELEASES	66.00
<i>Org Key: FNBE01 - Financial Services</i>				
P0094833	00187330	RYDIN DECAL	TOWN CENTER PARKING PERMIT STI	396.67
P0094833	00187330	RYDIN DECAL	RESTRICTED PARKING PERMIT STIC	296.00
<i>Org Key: FR1100 - Administration (FR)</i>				
P0095144	00187311	KROESENS UNIFORM COMPANY	Uniforms/Rostov	349.25
	00187296	GUTTU, TOM	9/11 ARTWORK SHIPPING REFUND	280.80
<i>Org Key: FR2100 - Fire Operations</i>				
P93437	00187285	EPSCA	MONTHLY RADIO ACCESS FEES 44 R	1,111.00
P0095144	00187311	KROESENS UNIFORM COMPANY	Uniforms/Munro	476.35
<i>Org Key: FR4100 - Training</i>				
	00187315	MAIR, STEPHEN	TUITION REIMB	960.00
<i>Org Key: FR5100 - Community Risk Reduction</i>				
	00187317	NOVAK, JOHN	SMOKE HOUSE PROP SUPPLIES	387.43
	00187315	MAIR, STEPHEN	PER DIEM REIMB FIRE INV CONF	153.20
<i>Org Key: GGM001 - General Government-Misc</i>				
P93439	00187274	COMCAST	CITY HALL HIGH SPEED INTERNET	111.45
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
P0095084	00187331	SCHOENTRUP, WILLIAM	FRLEOFF1 Retiree Medical Expen	542.26
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0095122	00187270	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	1,173.16
<i>Org Key: MT3100 - Water Distribution</i>				
P0095169	00187292	GRAINGER	MARKING FLAGS (BLUE)	15.91
<i>Org Key: MT3150 - Water Quality Event</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0095147	00187298	HACH COMPANY	PH 4.01 BUFFER SOLUTION (20 PK	58.50
P0095147	00187298	HACH COMPANY	PH 7.00 BUFFER SOLUTION (20 PK	38.93
<i>Org Key: MT3400 - Sewer Collection</i>				
P0095169	00187292	GRAINGER	MARKING FLAGS (GREEN)	16.94
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0095142	00187292	GRAINGER	FLASHLIGHT	87.58
P0095220	00187300	HOME DEPOT CREDIT SERVICE	ELECTRIC BLOWER	61.57
P0095216	00187300	HOME DEPOT CREDIT SERVICE	SHOP VAC EXTENSION WAND	19.73
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P93437	00187285	EPSCA	MONTHLY RADIO ACCESS FEES 1 RA	25.25
<i>Org Key: MT4200 - Building Services</i>				
P0095258	00187277	CRAWFORD DOOR COMPANY	REPAIR OF MIDI BIFOLD DOOR FS9	1,404.90
P0095252	00187320	PACIFIC AIR CONTROL INC	CITY HALL COOLING TOWER PIPE R	591.51
<i>Org Key: MT4402 - Customer Response-Right-of-Way</i>				
	00187339	TROY, BRIAN CASEY	MILEAGE EXPENSES	119.09
<i>Org Key: MTBE04 - Wayfinding Sign Program</i>				
P0095185	00187278	DAILY JOURNAL OF COMMERCE	INV 3320850 WAYFINDING	1,698.00
P0095217	00187335	SOUND PUBLISHING INC	Ntc: Wayfinder Signage 1860151	93.59
<i>Org Key: PO1100 - Administration (PO)</i>				
P0095268	00187334	SOREANO'S PLUMBING INC	Plumbing draw for Section A-Pa	2,675.00
	00187299	HOLMES, EDWARD J	MILEAGE EXPENSE	269.64
	00187268	BURNS, LESLIE	PER DIEM REIMB WASPC CONF	96.00
	00187299	HOLMES, EDWARD J	PER DIEM REIMB WASPC CONF	96.00
	00187314	MAGNAN, JEFF	PER DIEM REIMB WASPC CONF	96.00
<i>Org Key: PO1350 - Police Emergency Management</i>				
P93437	00187285	EPSCA	MONTHLY RADIO ACCESS FEES 13 R	1,439.25
	00187288	FRANKLIN, JENNIFER D	SUPPLIES/REGNL BADG TRNG	163.44
P0095269	00187329	REMOTE SATELLITE SYSTEMS INT'L	EMAC Sat phone	48.95
<i>Org Key: PO1650 - Regional Radio Operations</i>				
P93437	00187285	EPSCA	MONTHLY RADIO ACCESS FEES 57 R	328.25
<i>Org Key: PO2100 - Patrol Division</i>				
P0095212	00187311	KROESENS UNIFORM COMPANY	Academy uniforms & gear-Gehrke	1,608.95
P0095212	00187311	KROESENS UNIFORM COMPANY	Academy uniforms & gear-Hammer	1,522.50
P0095212	00187311	KROESENS UNIFORM COMPANY	Holster & gear Inv #44417	212.27
P0095213	00187311	KROESENS UNIFORM COMPANY	Baseball cap-Derr Inv#44437	31.85
P0095213	00187311	KROESENS UNIFORM COMPANY	Academy sweats Inv #44415	17.62
<i>Org Key: PO2201 - Dive Team</i>				
P0095237	00187340	UNDERWATER SPORTS INC.	Dry suit-Herzog #20013426	3,190.00
P0095237	00187340	UNDERWATER SPORTS INC.	AGA Hose Swivel #20013659	588.28
P0095237	00187340	UNDERWATER SPORTS INC.	AGA Hose Swivel #20013219	205.28
<i>Org Key: PO3100 - Investigation Division</i>				
	00187321	PARR, RYAN	PER DIEM REIMB WHIA ANNUAL CON	137.10
	00187332	SCHUMACHER, CHAD C	PER DIEM REIMB WHIA ANNUAL CON	137.10

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00187332	SCHUMACHER, CHAD C	FERRY PASS	62.29
	00187321	PARR, RYAN	MILEAGE EXPENSES	25.89
<i>Org Key: PO4100 - Firearms Training</i>				
P0095129	00187289	G W INC	3 Pistols for CIS	1,178.10
P0095150	00187289	G W INC	2 - Gen 4 Glock 22s with Triji	1,052.37
P0095129	00187289	G W INC	3 Trijicon sights for pistols	367.46
P0095129	00187289	G W INC	Shipping	33.00
<i>Org Key: PR2100 - Recreation Programs</i>				
P0095186	00187306	JOHNSON JR, MARV	Instructor fees - course #1698	973.00
P0095184	00187284	EISEN, CHLOE L	Instructor Fees - Course #1692	353.50
P0095217	00187335	SOUND PUBLISHING INC	Ad: Run Like a Girl 1855112 04	250.00
P0095184	00187284	EISEN, CHLOE L	Instructor fees - course #1692	199.50
P0095183	00187326	PUGET SOUND SR SOFTBALL ASSOC	League fees for co-ed softball	165.00
<i>Org Key: PR2108 - Health and Fitness</i>				
P0095198	00187293	GRAY, KATY S.	Instructor fees - course #1720	489.30
<i>Org Key: PR4100 - Community Center</i>				
	00187302	HOUVENER, ZACHARY	MILEAGE EXPENSE	293.18
	00187290	GILBERT, RACHEL	MILEAGE EXPENSE	292.11
P0095166	00187283	EASTSIDE EXTERMINATORS	EXTERMINATOR SERVICE	230.01
	00187279	DALY, RYAN	PER DIEM REIMB WRPA CONF	162.05
P0095238	00187287	FIRE PROTECTION INC	B BLDG SPEAKER TROUBLE	71.50
<i>Org Key: PR6100 - Park Maintenance</i>				
P0095188	00187271	CESSCO	SHARPEN MOWER BLADES	65.67
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P0095239	00187287	FIRE PROTECTION INC	SMOKE DETECTOR REPLACEMENT	282.70
<i>Org Key: PR6800 - Trails Maintenance</i>				
P0095204	00187275	COMPTON LUMBER & HARDWARE INC	TREATED LUMBER	1,225.36
<i>Org Key: VCP104 - CIP Streets Salaries</i>				
	00187337	TONELLA-HOWE, ANNE	PARKING FEE	14.00
<i>Org Key: WD321R - Drainage System Video Insp</i>				
P0095227	00187325	PRO-VAC	INV 78013 RELEASE FOR 2014 INV	4,056.95
<i>Org Key: WG102R - Maintenance Building Repairs</i>				
P0095253	00187328	REID MIDDLETON INC	STRUCTURAL ENGINEER MAIN SHOP	5,887.50
<i>Org Key: WG104R - Thrift Shop Repairs</i>				
P0095254	00187291	GLOBAL EQUIPMENT CO INC	DONATION AREA WORK CENTER	2,251.20
P0095257	00187291	GLOBAL EQUIPMENT CO INC	STORAGE & SORTING BINS	1,901.26
P0095256	00187291	GLOBAL EQUIPMENT CO INC	STORAGE & SORTING BINS	973.90
P0095255	00187291	GLOBAL EQUIPMENT CO INC	STORAGE & SORTING BINS	629.16
<i>Org Key: WG105R - Community Center Bldg Repairs</i>				
P0095251	00187269	BYKONEN CARTER QUINN	COMM CNTR STORAGE ADDITION	630.00
<i>Org Key: WPI22R - Vegetation Management</i>				
P93945	00187341	UNITED SITE SERVICES	Volunteer Event Portable Restr	110.76

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: WP503R - Luther Burbank Pk Minor Impvt</i>				
P0095133	00187345	WR McDONALD COMPANY	SCREEN FITTING FOR LAKE WATER	396.00
<i>Org Key: WR103F - Emer Repair - Freeman Landing</i>				
P0095215	00187344	WILLIAMS KASTNER & GIBBS PLLC	Professional Services - Freema	1,146.60
<i>Org Key: WR140H - Minor Trail Improvements</i>				
P0095204	00187275	COMPTON LUMBER & HARDWARE INC	TREATED LUMBER	1,225.35
<i>Org Key: WW527R- 3838 WMW Water Improvements</i>				
P0095185	00187278	DAILY JOURNAL OF COMMERCE	INV 344726 WMW WATER SYSTEM	560.00
<i>Org Key: XP520R - Recreational Trail Connections</i>				
P0095134	00187336	TACOMA SCREW PRODUCTS INC	LAG SCREWS & WASHERS	24.29
<i>Org Key: YF1200 - Thrift Shop</i>				
	00187323	PETTY CASH FUND THRIFT SHOP	PETTY CASH REIMB	93.09
<i>Org Key: YF2600 - Family Assistance</i>				
P0095219	00187305	ISLAND SQUARE APARTMENTS	Partial rent payment for June	1,000.00
P93580	00187333	SHOREWOOD HEIGHTS	Rental assistance for Emergenc	1,000.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
	00187276	CORK, TAMBI A	TRAINING ESPENSES	3,260.74
P0095221	00187281	DENTZ, LISA	HYI Posters & billboard	125.00
Total				102,572.61



CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING **5.19.17**
PAYROLL DATED **5.26.17**

Net Cash	\$	507,598.19
Net Voids/Manuals	\$	19,979.96
Net Total	\$	527,578.15

Federal Tax Deposit - Key Bank	\$	96,460.34
Social Security and Medicare Taxes	\$	48,233.40
Medicare Taxes Only (Fire Fighter Employees)	\$	2,116.45
Public Employees Retirement System 1 (PERS 1)	\$	-
Public Employees Retirement System 2 (PERS 2)	\$	23,720.29
Public Employees Retirement System 3 (PERS 3)	\$	6,052.09
Public Employees Retirement System (PERSJM)	\$	616.04
Public Safety Employees Retirement System (PSERS)	\$	179.18
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	24,984.34
Regence & LEOFF Trust - Medical Insurance	\$	14,965.69
Domestic Partner/Overage Dependant - Insurance	\$	1,938.77
Group Health Medical Insurance	\$	1,027.99
Health Care - Flexible Spending Accounts	\$	2,573.51
Dependent Care - Flexible Spending Accounts	\$	1,974.55
United Way	\$	230.00
ICMA Deferred Compensation	\$	28,218.31
Fire 457 Nationwide	\$	12,146.52
Roth - ICMA	\$	50.00
Roth - Nationwide	\$	620.00
401K Deferred Comp	\$	-
Garnishments (Chapter 13)	\$	1,331.00
Child Support	\$	852.57
Mercer Island Employee Association	\$	148.75
Cities & Towns/AFSCME Union Dues	\$	2,515.07
Police Union Dues	\$	2,433.20
Fire Union Dues	\$	1,870.34
Fire Union - Supplemental Dues	\$	155.00
Standard - Supplemental Life Insurance	\$	335.50
Unum - Long Term Care Insurance	\$	944.30
AFLAC - Supplemental Insurance Plans	\$	871.81
Coffee Fund	\$	70.00
Transportation	\$	105.00
HRA - VEBA	\$	4,326.26
Miscellaneous	\$	-
Tax & Benefit Obligations Total	\$	282,066.27

TOTAL GROSS PAYROLL	\$ 809,644.42
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I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



CITY COUNCIL MINUTES SPECIAL MEETING MAY 8, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:30 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Wendy Weiker (arrived 5:34 pm), David Wisenteiner, and Benson Wong were present. Councilmember Jeff Sanderson was absent.

EXECUTIVE SESSION

At 5:30 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 5:59 pm, Mayor Bassett suspended the Executive Session and the Special Meeting reconvened.

SPECIAL BUSINESS

AB 5297 Joint City Council and Planning Commission Study Session Regarding Residential Development Standards Code Amendments

The City Council was joined by Planning Commission Chair Suzanne Skone, Vice-Chair Richard Weinman and Commissioners Bryan Cairns, Daniel Hubbell, Lucia Pirzio-Biroli, and Jennifer Mechem (Commissioner Tiffan Goodman was absent) to review the Planning Commission's direction and discussion regarding the amendments to the residential development standards to date.

The Commissioners explained their process for reviewing the code and for proposing amendments. Alison Van Gorp, DSG Administrative Services Manager spoke about the outreach and community engagement activities during the Commission's review of the standards.

Evan Maxin, Planning Manager reviewed each of the proposed substantive amendments regarding gross floor area, lot coverage, building height, parking for small lots, variable side yard setbacks, tree retention, large lots, construction permits, deviations and variances, and accessory buildings and structures.

The Council asked clarifying questions regarding the review process and the proposed substantive amendments.

Staff noted that the Planning Commission will present their recommendation to the City Council at the June 5 meeting and that the Council will hold a public hearing on June 12 regarding the proposed code amendments.

EXECUTIVE SESSION (continued)

At 8:45 pm, Mayor Bassett reconvened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for an additional 60 minutes.

At 9:44 pm, Mayor Bassett adjourned the Executive Session and the Special Meeting reconvened.

ADJOURNMENT

The Special Meeting adjourned at 9:44 pm.

Attest:

Bruce Bassett, Mayor

Ali Spietz, City Clerk



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 16, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 4:30 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett and Councilmembers Dan Grausz, Wendy Weiker, Jeff Sanderson, and Benson Wong were present. Deputy Mayor Debbie Bertlin (Joined the call at 4:45 pm) and Councilmember David Wisenteiner participated by phone.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for two hours.

At 4:35 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for two hours.

At 6:35 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 6:35 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 22, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 6:00 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, and Benson Wong (arrived at 6:05 pm) were present. Councilmembers Jeff Sanderson and David Wisenteiner (joined by phone at 6:18 pm) participated by phone. Councilmember Wendy Weiker was absent.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:01 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 7:00 pm, Mayor Bassett extended the Executive Session for 12 minutes.

At 7:12 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 7:12 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 23, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:00 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, and Councilmembers Dan Grausz and Wendy Weiker were present. Deputy Mayor Debbie Bertlin, and Councilmembers Jeff Sanderson (joined the call at 5:42 pm) and Benson Wong (left the call at 6:14 pm) participated by phone. Councilmember Wisenteiner was absent.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 5:03 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:00 pm, Mayor Bassett extended the Executive Session.

At 6:33 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 6:33 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 24, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:03 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett and Councilmember Dan Grausz were present. Deputy Mayor Debbie Bertlin and Councilmembers Jeff Sanderson (left the call at 5:55 pm), Wendy Weiker (left the call at 6:03 pm), and Benson Wong participated by phone. Councilmember David Wisenteiner was absent.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 5:03 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:03 pm, Mayor Bassett extended the Executive Session for 10 minutes.

At 6:12 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 6:12 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



CITY COUNCIL MINUTES

SPECIAL MEETING

MAY 31, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:10 pm at City Hall, 9611 SE 36th Street, Mercer Island, WA.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson (Left the meeting at 8:10 pm and rejoined by phone at 11:30 pm), and Benson Wong were present. Councilmembers Wendy Weiker (Joined in person at 5:20 pm) and David Wisenteiner (Joined in person at 5:25 pm, left the meeting at 8:10 pm) initially participated by phone.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes.

At 5:10 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:30 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:30 pm, Mayor Bassett extended the Executive Session for 90 minutes.

At 9:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 10:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 11:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

It was moved by Bertlin; seconded by Weiker to:

Accept the mitigation package including assumptions set forth in the attached Exhibit A to redress the City's concerns about the loss of mobility for traffic to and from Mercer Island consistent with the 1976 Memorandum Agreement and 2004 Amendment thereto, and in full and final settlement of the pending legal disputes, including appeals, between the City of Mercer Island, Sound Transit and the Washington State Department of Transportation; provided, however, this acceptance is contingent on approval of the final agreement by the Mercer Island City Council and Sound Transit's Board and it is further contingent on Sound Transit staying all of its pending legal actions and not commencing any further proceedings or new litigation while approval is pending. City staff is further directed to strike the City's motion for a preliminary injunction and to stay its appeals to the Supreme Court before the commencement of the hearings scheduled for June 1, 2017 and take all steps necessary to fulfill the requirements of Exhibit A. The City will not commence any further proceedings or new litigation related to the East Link Light Rail project while approval is pending.

Passed 5-1

FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)

AGAINST: 1 (Wong)

ABSENT: 1 (Wisenteiner)

It was moved by Bertlin; seconded by Grausz to:

Authorize City staff to work collaboratively with Sound Transit staff to prepare a Memorandum Agreement to formally memorialize the terms set forth in Exhibit A.

Passed 5-1
FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)
AGAINST: 1 (Wong)
ABSENT: 1 (Wisenteiner)

At 11:30 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 11:35 pm.

Attest:

Bruce Bassett, Mayor

Ellie Hooman, Deputy City Clerk

Item	ST Offer- 5/22
<p>Short-term (construction) parking</p> <p>Title in 5/20/17 MI Offer doc: <i>Construction Period Parking</i></p> <p>Cost: \$ 240,000</p> <p>Sum of items: \$ 240,000</p>	<ul style="list-style-type: none"> • Sound Transit will lease, consistent with the parameters of leased lots in Bellevue, Renton and Redmond (if feasible), stalls for transit user parking, with a goal of securing 100 stalls which are either within a 1/3-mile walkshed of the P&R or will be served by transit/shuttle service. ST will continue pursuing spaces beyond June 3, with the goal of reaching 100 stalls by August 1, 2017. • Any unused money is transferable to the “Traffic congestion & bike/ped impacts” allocation of \$5.1M
<p>Bus/rail Integration</p> <p>Title in 5/20/17 MI Offer doc: <i>Bus/Rail Integration</i></p> <p>Cost: \$N/A</p> <p>Sum of items: \$ 240,000</p>	<ul style="list-style-type: none"> • The 77th Ave SE configuration will be accepted modified as follows: <ul style="list-style-type: none"> • No pick-up/drop-off on 80th Ave. SE. • Bus volumes on North Mercer Way both during peak periods and on a daily basis would not exceed current volumes (excluding, for these purposes, both current and future MI-only buses) • Buses (other than MI-only buses) would not drive through the MI Town Center via SE 27th Street except in emergency or unexpected situations (<u>e.g.</u>, to get around a traffic accident). <p>In addition, the City expects the following additional operational provisions but is willing to consider modifications based on King County Metro operational concerns:</p>

	<ul style="list-style-type: none"> • All pick-up/drop-off (other than local Mercer Island buses) would be on the south side of North Mercer Way between 77th Ave. SE and 80th Ave. SE. • Bus layovers limited to no more than 15 minutes and would only occur incident to the PM peak hour operation. • Except as to buses running entirely on electrical (battery) power, no idling of buses other than during actual pick-up or drop-off times.
<p>Traffic congestion & bike/ped impacts</p> <p>Cost: \$5,100,000 Sum of items: \$5,340,000</p>	<ul style="list-style-type: none"> • ST will complete all traffic mitigation work identified in the FEIS and Addendum, consistent with those environmental documents. • Sound Transit will make reimbursable contributions to the City not to exceed \$5,100,000 for traffic safety enhancements as determined by the City which could include temporary and permanent improvements to intersections, signage, traffic calming, crosswalks, etc. Unencumbered funds, if any, may be applied to improving last mile transit access or Aubrey Davis Park improvements. • ST is willing to coordinate with the City to mutually study and address traffic safety enhancements and intersection improvements, subject to the overall maximum contribution of \$5,100,000 set forth above.
<p>I-90 Emergency Response</p> <p>Title in 5/20/17 MI Offer doc: <i>I-90 Emergency Response (included under “Ancillary Agreements” section)</i></p>	<ul style="list-style-type: none"> • Include MI in ST’s existing multi-city/multi-agency Fire Life Safety Committee which comprehensively addresses these concerns • Sound Transit will provide funding for police and fire training as previously agreed

<p>Cost: \$ 23,100 Sum of items: \$5,363,100</p>	
<p>Long-Term Parking</p> <p><i>This item is addressed in two different ways in the 5/20/17 MI Offer doc, based on the approach of either Option 1 (Access to Transit Funding) or Option 2 (Transit Oriented Development)</i></p> <p>Cost: \$4.41 million Sum of items: \$9,773,100</p>	<ul style="list-style-type: none"> • Upon completion of the new, expanded South Bellevue Park and Ride, ST will terminate the short-term commuter lot leases referenced in “Short-term parking (construction) parking”. • ST will make a reimbursable contribution to one or more City-led TOD projects and/or structured parking projects. The contribution for transit user parking stalls will be 49% of the construction cost per stall of approximately \$45,000/stall (\$22,050.00), for each stall provided by the City up to a maximum of 200 stalls and a total not to exceed amount of \$4,410,000. • \$45K/stall goes up by inflation annually. To the extent this results in more than \$4.41 million being spent, the excess would be deducted from the “Traffic congestion & bike/ped impacts” allocation. This means that the overall total of \$10,050,000 is not exceeded. • Any unused portion of the \$4.41M for long-term parking may be transferred to the “Traffic congestion & bike/ped impacts” allocation.
<p>Aubrey Davis Park</p> <p>Title in 5/20/17 MI Offer doc: <i>Aubrey Davis Park (included under “Ancillary Agreements” section)</i></p> <p>Cost:</p>	<ul style="list-style-type: none"> • Sound Transit will contribute not to exceed \$50,000 to City’s Aubrey Davis Park Master Plan; any remaining funds from the \$50,000, if any, may be used for implementation of the Aubrey Davis Park Master Plan • Sound Transit will assign appropriate staff to assist in development of plan • In the proximity of 77th and 80th Ave, ST will ensure safe and equitable access to the LRT station which will include the re-routing of the I-

<p>\$50,000 Sum of items: \$9,823,100</p>	<p>90 bicycle route in the same proximity to avoid conflicts with the MI Park and Ride on North Mercer Way, and such costs will not count against the above allowances.</p>
<p>Additional Staffing through Construction</p> <p>Title in 5/20/17 MI Offer doc: <i>Staffing Assistance (included under "Ancillary Agreements" section)</i></p> <p>Cost: N/A</p> <p>Sum of items: \$9,823,100</p>	<ul style="list-style-type: none"> • Work closely with the City to develop and implement community information measures required by the FEIS and ROD • ST community outreach staff will spend 15 hours per week at City-provided work space to develop and implement community outreach and communication measures.
<p>Last Mile Pilot Project with King County Metro</p> <p>Cost: \$226,900</p> <p>Sum of items: \$10,050,000</p>	<ul style="list-style-type: none"> • Sound Transit and the City will partner with King County Metro to launch a pilot project to improve last mile transit access for Mercer Island residents and that would potentially have regional applicability

Assumptions:

This proposal is not binding and subject to Sound Transit Board and Mercer Island City Council approval.

The proposal will have to be turned into a formal agreement. ST and City staff can make minor language clarifications as may be necessary and agreed.

Sound Transit will require a high degree of certainty that the East Link Project elements in the City will continue to move forward within the approved scope, schedule and budget, including City Council

approval before Thursday (June 1, 2017) that all applicable permit conditions and mitigation requirements, including parking, necessary to issue the building permit and other permits for the project are fulfilled by the mitigation provided in this settlement.

Among the matters that should be addressed in the final agreement is a commitment by the City to promptly issue the building permit and any other permits necessary for the East Link Project without any additional requirements for parking or other mitigation that are not otherwise included in this settlement.

The City will agree to strike its motion for an injunction and stay its appeals to the Supreme Court before Thursday's hearings. The City will further stay all current proceedings and not commence any further proceedings or new litigation or new regulatory action impacting the East Link project while approval is pending.

Sound Transit will stay all current proceedings and not commence any further proceedings or new litigation while approval is pending.

If a final settlement agreement is approved by both parties, the current lawsuit and appeals will be dismissed with prejudice. If the settlement is not approved, the lawsuit will continue.

The City and Sound Transit will work together to ensure that there is a clear and collaborative path forward for timely issuance of permit decisions and construction of the Mercer Island Station, all East Link facilities in the City, and the bus/rail integration facility serving the Mercer Island Station.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5309
June 5, 2017
Consent Calendar**

**ARTS COUNCIL 2016 ANNUAL REPORT AND
2017 WORK PLAN**

Proposed Council Action:

No action necessary. Receive report.

DEPARTMENT OF

Parks and Recreation (Kai Fulginiti)

COUNCIL LIAISON

Jeff Sanderson

EXHIBITS

1. 2016 Arts Council Annual Report
2. 2017 Arts Council Work Plan

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

To fulfill the Mercer Island City Council’s directive to provide the City and its residents with a high level of expertise with respect to performing and visual arts, the Mercer Island Arts Council provides this report of its services, activities and contributions in 2016 and the work plan intended for 2017. The City Council has recognized and embraced the important and imperative role of art and cultural enhancement in creating community by enacting several ordinances in support of the arts. The Arts Council is providing these reports to inform the Council of the range and impact of multiple arts programs provided in the Mercer Island community.

The 2016 Annual Report (Exhibit 1) serves to inform the City Council of the breadth of services that the Arts Council provided in the previous year, including statistical information regarding volunteer hours, staff hours, revenues, and audience and artists served. In addition, it highlights the various working sub-committees of the Arts Council and their accomplishments and on-going activities and tasks.

The 2017 Work Plan (Exhibit 2) serves to identify the specific areas of focus for 2017 by sub-committee area, and the tasks required of Arts Council members and Parks and Recreation staff to achieve those tasks.

RECOMMENDATION

Special Events & Cultural Arts Coordinator

No action necessary. Receive the Arts Council 2016 Annual Report and the 2017 Work Plan.



Mercer Island Art Council's
2016 Annual Report

Chair – An Tootill /Vice-Chair – Rene Stratton

Intro from the 2015 Vice-Chair/2016 Chair, An Tootill:

2016 saw the Arts Council focusing on community involvement with the Arts. Mercer Island school children and their parents devoted their talent and skill toward the permanent mosaics in Luther Burbank Park. We sponsored Washington's Poet Laureate to hold a workshop on the Island and gave residents an opportunity to contribute to "Washington 129" a poetry anthology. We offered "Mercer Island Swings", a dance night with live music and dance lesson, to inspire our residents to get out and reacquaint themselves with dancing.

Heading into 2017-2018, we plan to improve our community collection and bring inspiring artworks and artists to enhance Mercer Island's reputation as a gracious and beautiful city. The eleven members of the Arts Council represent the continuing commitment of the community to the arts, and recognize the value of creativity to the community. Local businesses and organizations frequently support our programs. We rely on the City staff for support to bring consistency to our on-going programs and appreciate their facilitation.

Arts Council members in 2016 included: Joy Langley, Joy Leichty, Karen Kaser, Rene Stratton, An Tootill, Jessica Prince, Amy Barnes, Matt Lome, Angelina Odievich, Erin Vivion and Suzanne Zahniser. City Council Liaison: Jeff Sanderson

Staff Liaisons: Amber Britton, Eileen Trifts, Kai Fulginiti

Highlights for 2016 include:

- Two Classics on Film Series which totaled 20 films.
- Twenty performances for Shakespeare in the Park by Wooden O.
- Six Concerts at the Mostly Music in the Park summer concert series, which included a special performance at the Luther Burbank Amphitheatre by the Russian Chamber Orchestra.
- New Mosaics at Luther Burbank Park Playground.
- Seven indoor gallery exhibits, which included a show from one of the Luther Burbank Playground mosaic artists, Jose Orantes.

As an all-volunteer board, the eleven members of the Arts Council represent the continuing commitment of the community to the arts, and recognize the value of creativity to the community. We rely on the City staff for support to bring consistency to our on-going programs and appreciate their facilitation. Local businesses and organizations frequently support our programs and, heading into the next year, we will reach out to the larger community to expand Mercer Island's reputation as a gracious and beautiful township.

PROGRAM ACCOMPLISHMENTS OF 2016

COMMUNITY RELATIONS AND ADVERTISING

The Arts Council sponsored Junk Chimes, Silent Disco and the interactive giant floor piano at Mercer Island's 2016 Summer Celebration: Symphony of Summer. Participants had the chance to play the piano by jumping on it, play non-typical "junk" chimes and dance while listening to music that only they could hear in their headphones, while others watched their great disco moves! This was a festival favorite, with many people participating and having fun with the music and dancing aspect that the Arts Council provided.

Other outreach included:

- Mercer Island's Quarterly, M.I. Weekly publications, Quarterly Senior Newsletters & the Recreation Guide.
- Advertised through Parks and Recreation Facebook.
- Flyers and Posters posted throughout community.
- Mostly Music in the Park brochures and Shakespeare information mailed to all Mercer Island residents.
- Sponsored activities at Summer Celebration
- Mercerdale Park Banner advertising Mostly Music in the Park.
- Hosted a booth at "Art Uncorked" Sister City & Chamber of Commerce event.

LITERARY PROGRAMS

Classics on Film

Lance Rhoades, media scholar and Mercer Island Arts Council Program Director of *Classics on Film*, presented and lectured on two separate film series "Masters of Melodrama" which continued from the Fall/Winter series and "The Oval Office & The Box Office: An Election Themed Film Series". Events were co-sponsored with Aljoia of Mercer Island and films were shown in the Aljoia Theater.

Winter/Spring Series

- Jan. 8- Letter from An Unknown Woman, attendance: 36
- Jan. 15- Written on the Wind, attendance: 40
- Jan. 29- Splendor in the Grass, attendance: 43
- Feb. 5 - Lola Montes, attendance: 57
- Feb. 19 - East of Eden, attendance: 55
- Feb. 26 – There's Always Tomorrow, attendance 33
- Mar. 11- Wild River, attendance: 34
- Mar 18 – The Earrings of Madame de..., attendance: 35
- Apr. 1 – Magnificent Obsession, attendance: 37
- Apr. 8 – Baby Doll, attendance: 42

Fall/Winter "Masters of Melodrama!" Series

- Sep. 16 – The Best Man, attendance: 23
- Sep. 23 – Z, attendance: 49
- Sep. 30 – The Candidate, attendance: 35
- Oct. 14 – Bob Roberts, attendance: 22
- Oct. 21 – State of the Union, attendance: 31

- Nov. 4 – Wag the Dog, attendance: 46
- Nov. 18 – Deux Jours, Une Nuit, attendance: 35
- Dec. 2 – The American President, attendance: 23
- Dec. 9 – No!, attendance: 30
- Dec. 16 – The Last Hurrah, attendance: 28

Poet Laureate, Tod Marshall

Along with Island Books, the Mercer Island Arts Council brought Washington Poet Laureate, Tod Marshall, to the Mercer Island Community & Event Center on June 2nd for a special presentation on a Day of Poetry. Mr. Marshall did both a Poetry Workshop and reading at the MICEC and a conversation with poetry groups at Island Books.

Special Programs/Events

Online Artist Directory

The Special Projects Chair proposed the idea of an online Mercer Island Artist’s Directory on the Arts Council’s website, which was approved and made live in early 2017. This is a way for Mercer Island artists to get their name and work out and for the Arts Council to support and promote local artists.



Wooden O’ Performers at Shakespeare in the Park

Shakespeare in the Park

In its 23rd year of staging plays at Luther Burbank Park, Wooden O Theatre produced twenty outdoor performances of “Love’s Labour’s Lost” and “Hamlet” in July and August.

“Love’s Labour’s Lost”: The idealistic resolve of four young men gets tested by four young ladies who show up at their doorstep. The King and his friends vow to abstain from women’s company for three years. They plan to devote their time to academics. The Princess of France and her ladies arrive for a visit just as the vows leave the men’s lips. It’s will against want and heart against head in this delightful summer romance.

Jul. 7, 8, 9, 14, 15, 16, 24 and Aug. 4.

“Hamlet”: After receiving news of his father’s death, a young man comes home to a much changed world. Doubt, uncertainty, and grief dog him at every turn. Struggling to make sense of the new order, Hamlet faces a crossroad. He can consent, or rage against injustice around him. Rich with soaring language, Shakespeare’s masterpiece opens up with fresh insights with each new viewing.

July 10, 17, 21, 22, 23, 24, 28, 29, 30 and Aug. 5, 6, and 7.

Attendance: 6,000

Art Uncorked

The Arts Council participated in the Art Uncorked event which was held near the outdoor sculpture park in downtown Mercer Island on September 9. This event was produced by the Mercer Island Chamber of Commerce and Mercer Island Visual Arts League. This year the Arts Council once again sponsored two bands to provide musical entertainment to the event.



Art Uncorked, held on Friday, September 11th

MOSTLY MUSIC IN THE PARK

The Mostly Music in the Park 2016 program highlighted bands with local and regional roots, performing music for listening and dancing on Thursdays in July and August. MIVAL presented artwork from several MIVAL artists for consideration to be used for brochures and posters announcing these Mercerdale Park events. The Arts Council selected a piece by Mercer Island artist Pat Howie.

2016 Performance Schedule:

- | | |
|-----------|---|
| Thu 7/21: | Ben Rice Trio (Roots-Rock & Soul Blend) |
| Thu 7/28: | Coco Loco (Latin) |
| Thu 8/4: | Maya Soleil (Afro World Fusion) |
| Thu 8/11: | Jazz Underground (Contemporary Big Band Jazz) |
| Thu 8/18: | Swamp Soul (Cajun/Zydeco) |
| Sat 8/14: | Russian Chamber Music Foundation of Seattle Concert |

New this year, bands were selected from website submissions only, allowing all subcommittee members easy access to the now nearly 80 band submissions. Add in the excellent summer weather, and the stage was set for the good time we had.

GALLERY – INDOOR AND OUTDOOR

Indoor Gallery

Seven gallery exhibitions were held at the Mercer Island Community Center Art Gallery in 2016. A total of \$12,198 worth of items sold, and the Art Council’s revenue from the sales totaled \$3,050.

The 2016 Gallery Exhibits were:

January 11 – February 26	<i>Korean-American Artists of WA</i>
February 29 – April 15	<i>Lost Edges</i>
April 18 – June 3	<i>Northwest Watercolor Society</i>
June 6 – July 22	<i>Evergreen Association of Fine Arts</i>
July 25 - Sept 9	<i>5 Artists (Halstead, Beer, Lau, Cox & Karr)</i>
September 12 – October 28	<i>Jose’ Orantes</i>
October 31 – December 16	<i>MIVAL (Mercer Island Visual Arts League)</i> A multimedia display which showcases artistic gifts for the holidays, all created by MIVAL members.

Outdoor Sculpture Gallery

- Two 2015-2016 sculptures were renewed for the gallery for 2016-2017, as pieces for sale: “Memories of a Heron” and “Bird Mountain”, both by artist Shawn Marie Johnson.
- Gallery map updated to show which pieces are city-owned, which are for sale, and available sites. Posted to the website.
- New temporary signs are in the final stages of being ordered, and have QR codes that will allow the public to view the sculpture’s story on the STQRY website.
- The Outdoor Sculpture Gallery name change proposal has been created by the Public Art Chair, along with former City Councilmember Jane Brahm, to honor the woman who was instrumental in bringing the Outdoor Sculpture Gallery to Mercer Island.
- We are currently working with artist Ingrid Lahti, to bring her sculpture “Rippling Waters” to the Outdoor Sculpture Gallery.

PUBLIC ART

The Public Art Committee focused energy on the Outdoor Sculpture Gallery, additions to the City’s public art collection, the mosaic public art project, fostering public engagement with the public collection, and planning for future projects.

- In conjunction with the Mercer Island Sister City Association and with funding provided for by 1% for the Arts the Arts Council purchased and installed “Twin Foxes” by Georgia Gerber at the entrance to City Hall. The Arts Council organized an unveiling ceremony on March 5, 2016. Chairwoman An Tootill MC’ed the event, which was attended by Arts Council, City Council, and community members.

- Proposal for a sculpture donation to the City’s permanent collection by Cyclemates, in honor of community member Fran Call, was presented and accepted.
- Three members of the Arts Council were included in the Mercer Island Light Rail Advisory Group, which met with Sound Transit in October to review Sound Transit’s final station plans. Artist Beliz Brother attended and presented her designs for sculptures to be installed.
- The Arts Council joined in the community led “MI Rocks” movement by sponsoring a rock painting “party” at the Youth and Family Services Community Gathering on October 2nd. By promoting the painting and hiding of rocks near public arts collection pieces the Council intends to help foster community participation in art creation and community awareness and appreciation for the City’s collection and its dedication to supporting the Arts.
- The Downtown Streetscape Project, a work by Ellen Sollod, which consists of a number of bronze sidewalk inlays and tree grates scattered throughout the town center was cleaned and maintained. The “milk bottles” – two bronze inlays that are a part of this installation – were removed due to construction of the new Pagliacci’s pizza restaurant. They remain in the City’s care and await re-installation into an appropriate new location.
- Progress was made in adding works included in the City’s public collection to the digital STQRY app for the purpose of documentation and informing the public. Work on an associated bike/walking tour map is in progress.
- The Luther Burbank Playground mural project, which includes student artwork as well as a large mosaic by professional artists Jose Orantes and Sandy Glass, was installed and dedicated in the playground area at Luther Burbank Park. The dedication ceremony and ribbon cutting occurred on October 2, 2016 and was attended by arts council members, city council members, the artists and members of the community.



Student artwork for the playground at Luther Burbank Park.



MC and Arts Council Chair, An Tootill, at the ceremony for Twin Foxes at City Hall.



MI Rocks! At the Youth and Family Services Community Event in October.

STATISTICAL SUMMARY

AUDIENCE SERVED: Mercer Island and neighboring communities

VOLUNTEER HOURS:

- Arts Council Members: 433.5
- Non-Arts Council Member: 45

STAFF SUPPORT:

	<u>Amber Britton</u>	<u>Eileen Trifts</u>	<u>Kai Fulginiti</u>
Monthly Meetings & Prep.	12	30	4
Minute Prep.	0	35	0
Agenda Prep.	6	12	1
Personnel (New member notebooks, orientation)	9	8	2
Budget Prep. & Monitoring	88	0	8
Misc. Correspondence w/ members	129	103	40
Program Support	442	74	80
<u>Art Gallery Coordination</u>	<u>2</u>	<u>117</u>	<u>0</u>
TOTAL	688	379	135

BUDGET SUMMARY:

2016 Arts Trust Fund Project Expenditures

-Mosaic at Luther Burbank Park	\$9,000.00
-Twin Foxes Sculpture	\$2,310.37
Total	\$11,310.37

Arts Trust Fund Value (as of 3/10/17): \$178,926.73

Cash Balance 3/10/17	\$178,926.73
-Mural at I-90 & WMW Onramp 2017	(\$25,000.00)
-Town Center Banners 2017	(\$12,000.00)
-Annual Art Maintenance 2017	(\$10,000.00)
Cash Available 4/18/17	\$131,926.73

(This is the 1%-For-The-Arts account, which provides for the maintenance, repair, and acquisition of public art on Mercer Island.)

PROGRAM BUDGETS:

Expenses

<u>Program:</u>	<u>Budgeted:</u>	<u>Actual Expense:</u>	<u>Difference:</u>
Public Art	\$800.00	\$457.72	\$342.28
Gallery - Indoor and Outdoor	\$5,500.00	\$2,571.97	\$2,794.28
Literary	\$2,800.00	\$2,700.00	\$100.00
Performances	\$23,745.00	\$20,327.06	\$2,167.94
Community Arts	\$2,500.00	\$242.88	\$2,257.12
Special Programs (includes salaries)	\$78,146.00	\$80,622.47	(572.54)
TOTALS	\$113,491.00	\$106,922.10	\$5,185.15

Revenues

<u>Program:</u>	<u>Budgeted:</u>	<u>Actual Revenue:</u>	<u>Difference:</u>
General (4 Culture Grant)	\$10,000.00	\$8,000.00	(\$2,000)
Grants/Sponsorships	\$10,000.00	\$10,000.00	\$0
Gallery	\$4,000.00	\$3,050.00	(\$950)
TOTALS	\$24,000.00	\$21,050.00	(\$2,950)

General Fund Total Expenditures **\$106,922.10** *(includes \$78,146.00 in Staff Salaries & Benefits)*

Total Revenue **\$21,050.00**



Mercer Island Art Council's
2017 Work Plan

1. Mostly Music in the Park

Arts Council Volunteers Roles- 150 Hours	Staff Support Roles - 100 Hours
<ul style="list-style-type: none"> • Organize Band Selection Committee • Select performers and negotiate fees for 6 performances including Women’s Day performance • Schedule volunteers to work at concerts • Cultivate and develop sponsors with staff • Assist with development of publicity and promotion, including MI Reporter, Patch and other appropriate outlets • Distribute posters and flyers in the community as available • Work MMIP events and/or recruit other Arts Council members to work MMIP events • Emcee concerts, thank sponsors at each concert • Send out thank-you letters to bands. • Touch base with bands prior to performance. • Identify new vendors for sales and donations at MMIP events. • Take photos of concerts for Annual Report/Recreation Guide 	<ul style="list-style-type: none"> • Prepare band contracts and payments • Coordinate sound and payment • Assist with and provide input for publicity and promotions • Work at concerts and assist with set up and take down, and supervise the event • Correspondence with bands • Purchase and inventory drinks and snacks for sale at events • Make Concert Signs and banners • Put out sign boards for events • Coordinate Cash fund with Finance • Coordinate with Park Maintenance • Schedule staff to work events • Update sponsor forms/letters and mail out to businesses • Maintain income and fundraising tracking • Develop and maintain data base recording all sponsors • Send thank you letters to sponsors • Maintain sponsor correspondence • Coordinate with MIVAL for artwork on posters • Design, print & distribute Utility Bill Insert or All Island Mailer • Thank you ad for sponsors in MI Reporter • Take photos of concerts for Annual Report/Recreation Guide

2. Literary

Literary Programs

Arts Council Volunteers Roles -35 Hours	Staff Support -25 Hours
<ul style="list-style-type: none"> • Arrange films, lectures, and author events • Make contact with authors/speakers and negotiate date, time, venue, special arrangements, and payment amount • Continue partnership with Island Books on Meet the Author Events • Coordinate with Aljoya to plan events and determine programs to co-sponsor • Work with Aljoya and city staff to develop flyers for programs • Facilitate programs/events • Take photos of events and submit to Staff for Annual Report/Recreation Guide 	<ul style="list-style-type: none"> • Work with Chair to develop flyers for publicity • Prepare and process contracts and payments • Consult and assist on printed materials and promotion of events • Take photos of events and submit to Staff for Annual Report/Recreation Guide

Shakespeare

Arts Council Volunteers Roles- 30 Hours	Staff Support - 23 Hours
<ul style="list-style-type: none"> • Maintain Relationship with Wooden O Theater • Develop & schedule activities • Coordinate with staff on activities • Assist with publicity • Attend performances and make announcements/introductions 	<ul style="list-style-type: none"> • Maintain relationship with Wooden O Theatre • Coordinate with Park Maintenance • Schedule & monitor rehearsal/performance space • Assist with publicity • Prepare contracts, reserve facility, process payments as needed • Coordinate getting photos from Wooden O photographer for Annual Report/Recreation Guide

3. Gallery

Outdoor Gallery

Arts Council Volunteers Roles - 85 Hours	Staff Support - 82 Hours
<ul style="list-style-type: none"> • Identify appropriate projects or sculptures for Outdoor Gallery • Work on formal installation sites and guidelines for Outdoor Gallery • Coordinate new installations with the artist and staff • Utilize the Outdoor Gallery for public events more effectively • Propose rename to Greta Hackett Outdoor Sculpture Gallery • New sculpture signs • New Greta Hackett Outdoor Sculpture Gallery sign • Update STQRY QR codes on new signs 	<ul style="list-style-type: none"> • Pass along names of artists interested in exhibiting in the Outdoor Gallery to the Gallery Chair and committee • Prepare revised Outdoor Gallery Brochure as needed • Assist with the coordination of new installations • Work with members on ideas to increase sales of the Outdoor Gallery pieces • Notify Park Maintenance and DSG of any new installations • List new Sculptures with WCIA for insurance • Coordinate new plaques for artwork installed • Coordinate new gallery sign • Create agenda bill for name change proposal

Indoor Gallery

Arts Council Volunteers Roles - 125 Hours	Staff Support - 87 Hours
<ul style="list-style-type: none"> • Convene gallery committee to review exhibit applications and artwork submitted • Contact applicants with Gallery Committee acceptance/rejection • Schedule show and reception dates, times, details with artists along with staff input. • Coordinate hanging date and time and removal date and time with artists and with staff. • Take the lead for receptions and hangings • Arrange for volunteers to assist with hangings • Arrange for volunteers to assist with receptions • Identify and include in all FREE listings whenever possible 	<ul style="list-style-type: none"> • Provide copies of exhibit applications and art samples to Gallery Chair for review • Prepare artist information sheet and contracts to send to artist with a W-9. Return signed copies to artists. • Assist in preparation of materials for committee meetings, as needed • Create show labels for each piece which list price and artist information • List shows on the WCIA insurance policy prior to each show and remove them at the end of the show. • Receipt in sales from shows and process payment paperwork to artists • Process receipts and payments for expenses. • Coordinate gallery reception and entertainment upon musician suggestions from committee. Create contract and process for payment. • Buy and prepare food and beverages for gallery receptions. • Email postcard to mailing list. Send show information to the Reporter Calendar Section. Post on City Website.

4. Special Projects

Arts Council Volunteers Roles - 97 Hours	Staff Support – 37 Hours
<ul style="list-style-type: none"> • Town Center Banner Project • Assist in jury process of the Summer Celebration arts and craft vendors • Book two bands for Art Uncorked event • Determine event to sponsor at Summer Celebration Festival • Revive the Artist Directory-online listings • Coordinate details for Community Dance • Coordinate dance instruction for Community Dance 	<ul style="list-style-type: none"> • Recruit volunteers to jury SC crafters, plan meetings and organize jury packets • Coordinate with MMIP Committee on any band recommendations for Art Uncorked event • Create Agenda Bill and Call for Artists for Town Center Banner Project • Coordinate artists and vendors for new banner project • Coordinate contracts and payment for Art Uncorked event • Prepare contracts for Community Dance • Create WSDOT Art Plan for Cyclemates Sculpture

5. Public Art

Arts Council Volunteers Roles - 135 Hours	Staff Support - 115 Hours
<ul style="list-style-type: none"> • Work with staff on Call for Artists for West Mercer Way Mural • Work towards creating an online tour map of the Public Art Collection with staff • Develop appropriate media and launch campaigns for new public art installations with staff coordination • Identify appropriate projects or sculptures for the Outdoor Gallery • Begin long-term planning such as identify priorities for 1% for the arts projects • Plan for dedication of new art installations, coordinate all aspects with staff • Assist with dedication of new public art • Coordinate installation of new art pieces with staff • Update public art STQRYs, send staff information to update website 	<ul style="list-style-type: none"> • Guide and support MIAC in process of determining what their public art project(s) will be • Coordinate cleaning and maintenance of existing public art • Coordinate installation of new art pieces with Public Art Chair • Plan for dedication of new art installations with MIAC • Add new pieces to Collection Management program • Update STQRY website as stories are completed by Arts Council members • Work with Arts Council on West Mercer Way mural proposal, coordination with City Staff and WSDOT • Create a WSDOT Art Plan for West Mercer Way Mural • Create Call for Artists for Mural and hire selected artist to complete mural in 2017

6. Community Relations

4 Culture/King County Performance Network

Arts Council Volunteers Roles- 30 Hours	Staff Support – 8 Hours
<ul style="list-style-type: none"> • Attend King County Performance Network meetings • Review and select from artist performance list as budget allows • Consult on publicity and promotion plan • Consult on facility needed and any special requirements needed for events • Provide event support as determined by Arts Council • To inform local artists and art agencies about state-wide projects that have “Call for artists” so our local artists know of the opportunity • Develop plans to further use STQRY to advertise public art, events, and programs of the Arts Council • Attend Fine Arts Advisory Committee meetings as circumstances arise 	<ul style="list-style-type: none"> • Work with chair to develop publicity and promotion plan • Reserve facility and coordinate any special requirements needed • Process contracts and payments • Attend and work events as needed • Write grant application, process paperwork • Assist with requests regarding fundraising plan and goals

Marketing & Publicity

Arts Council Volunteers Roles- 60 Hours	Staff Support -34 Hours
<ul style="list-style-type: none"> • Research other avenues for publicity/marketing, i.e. other web sites, brochures, publications, e-mail lists, etc. • Maintain current publicity –ads in MI Reporter, MI Weekly articles, and Recreation Guide, and P&R Facebook page • Work with staff to be included on approved social media tools • Get approval on all ads/flyers not created by staff before advertising begins 	<ul style="list-style-type: none"> • Keep city website up to date • Process and update information for Recreation Guide • Include in advertising already done within the City • Approve all ads/flyers not created by staff before advertising begins • Pass on event information to Facebook, MI weekly and P&R Monthly Newsletter staff

7. Administrative

Budget Monitoring

Arts Council Volunteers Roles- 30 Hours	Staff Support – 50 Hours
<ul style="list-style-type: none"> • Review current budget monthly or as needed with staff • Get all expenses approved by staff prior to spending • Turn in expense receipts and paperwork in a timely manner 	<ul style="list-style-type: none"> • Monitor Budget on monthly basis • Develop monthly reports for Arts Council meetings • Approve expense requests in a timely manner • Process receipts and expenses for payment

Personnel

Arts Council Volunteers Roles- 35 Hours	Staff Support –60 Hours
<ul style="list-style-type: none"> • Develop publicity and promotions for soliciting new members • Chair to assist with New Member Orientation • Track detailed volunteer hours and submit to staff monthly, including non-Arts Council members such as MMIP screening committee and Gallery Hanging helpers • Provide year-end report to Council and Chair • Assist in Work Plan for year • Recruit volunteers to assist in committee activities 	<ul style="list-style-type: none"> • Monitor compliance of OPMA • Coordinate new vacancies with City Clerk • Review any publicity and promotions for soliciting new members • Hold New Member Orientations as needed • Maintain hours and reports spent in support of Arts Council • Prepare information for annual report • Track volunteer hours • Prepare Work Plan for the year • Create binders for new members • Hold new member orientations for newly appointed MIAC members

Coordination with Design Commission

Arts Council Volunteers Roles- 25 Hours	Staff Support – 10 Hours
<ul style="list-style-type: none"> • Provide input to the Design Commission and developers as needed on art components • Serve as a resource when requested for art projects on the island • Coordinate assistance with artwork for WSDOT Light Rail project as requested 	<ul style="list-style-type: none"> • Provide input for consistency with city policies and procedures • Arrange and attend meetings as necessary • Coordinate a member of Design Commission to serve on review selection committee for all new public art projects that use a Call for Artists • Coordinate assistance with artwork for WSDOT Light Rail project as requested

Monthly Meetings and other Administrative Support

Arts Council Volunteers Roles- 126 Hours	Staff Support – 269 Hours
<ul style="list-style-type: none"> • Prepare agenda topics and submit to staff when requested • Work in subcommittees for monthly updates on programs/activities/proposals • Turn in volunteer hours to staff monthly 	<ul style="list-style-type: none"> • Prepare monthly meeting agenda • Record meeting minutes • Correspondence with members • Reports • Policies & procedures developed • Forms created when needed

HOURS

Total Arts Council <i>Program</i> Hours	Total Staff <i>Program</i> Hours
747	511

Total Arts Council <i>Administrative</i> Hours	Total Staff <i>Administrative</i> Hours
216	389

Total Volunteer Hours	Total Staff Hours
963	900



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5310
June 5, 2017
Consent Calendar**

**NPDES STORMWATER CODE UPDATE (2ND
READING & ADOPTION)**

Proposed Council Action:

Adopt Ordinance No. 17C-09 to update the City's stormwater regulations.

DEPARTMENT OF	Development Services Group (Patrick Yamashita)
COUNCIL LIAISON	n/a
EXHIBITS	1. Proposed Ordinance No. 17C-09
2017-2018 CITY COUNCIL GOAL	6. Address Outdated City Codes and Practices
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

On April 3, 2017, the City Council held a Study Session (AB 5272) and conducted the first reading (AB 5273) of Ordinance No. 17C-09 to consider an update to the City's stormwater regulations. This agenda bill provides responses to City Council comments and an updated Ordinance for adoption. Changes to the Ordinance between first and second reading are highlighted in yellow.

The National Pollutant Discharge Elimination System (NPDES) is a federal program that regulates the discharge of stormwater to waters of the State. Under NPDES, the Washington State Department of Ecology (DOE) issued the original Western Washington Phase II Municipal Stormwater Permit (Permit) in February 2007 under authority delegated by the US Environmental Protection Agency, pursuant to the Federal Clean Water Act (CWA).

The current Permit became effective August 2013 with additional requirements for compliance. It requires Mercer Island and other municipalities in Western Washington with populations between 10,000 and 100,000 to update their stormwater management regulations. The permit covers approximately 89 cities and nine counties in Western Washington. The Permit requires update of regulations in two areas:

1. Adopt the 2014 Stormwater Management Manual for Western Washington, and thresholds in the Permit.
2. Review, revise and make effective, local development-related codes, rules, standards, or other enforceable documents to incorporate and require low impact development (LID) principles and LID best management practices (BMPs) where feasible.

COUNCIL DIRECTION AND STAFF RESPONSE

During the first reading of the Ordinance on April 3, 2017, the City Council directed staff to review and propose amendments regarding the following:

1. Combine the current minimum threshold of 500 square feet (net increase in imperious surface) with the minimum threshold in the Permit of 2,000 square feet (new plus replaced hard surface) to ensure that we are not missing any projects that previously would have been subject to stormwater mitigation.

Staff response: Text has been added to address this (see 15.09.050A(3)).

2. Look at including best management practices (BMPs) for preserving trees to help mitigate stormwater runoff.

Staff response: Upon further analysis, staff finds that the 2014 Stormwater Management Manual already includes a BMP that provides optional flow control (detention) credits for retaining existing trees meeting certain requirements. Staff recommends use of the optional BMP for flow control credits but to focus tree “regulations” in Title 19.10 and not add them to Title 15. Adding tree retention requirements that are not DOE approved recommendations may transform this stormwater regulation ordinance into a “land use control ordinance.”

TRANSITIONING TO NEW REGULATIONS

Under the NPDES II Permit requirements, the new regulations will apply to:

- (1) applications submitted on or after July 1, 2017; and
- (2) applications submitted prior to July 1, 2017, which have not started construction by January 1, 2022.

RECOMMENDATION

City Engineer

MOVE TO: Adopt Ordinance No. 17C-09, amending chapters 15.09, 15.10, and 15.11 MICC relating to stormwater management standards and stormwater low impact development.

**CITY OF MERCER ISLAND
ORDINANCE NO. 17C-09**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING CHAPTERS 15.09, 15.10, AND 15.11 OF THE MERCER
ISLAND CITY CODE RELATING TO STORMWATER MANAGEMENT
STANDARDS AND STORMWATER LOW IMPACT DEVELOPMENT.**

WHEREAS, the Washington State Department of Ecology issued the Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) on August 1, 2012 pursuant to the requirements of the Federal Clean Water Act – National Pollutant Discharge Elimination System (NPDES); and

WHEREAS, the NPDES Permit requires the City to revise development-related codes to incorporate and require low impact development (LID) where feasible and adopt the 2012 Stormwater Management Manual for Western Washington as amended in 2014 (Stormwater Manual); and

WHEREAS, state and local stormwater management tools, including LID regulations, can help address pollution and other critical environmental issues in Puget Sound cities; and

WHEREAS, comprehensive application of LID practices is necessary where feasible, to reduce the hydrologic changes and pollutant loads to surface and ground waters; and

WHEREAS, the City needs to amend Mercer Island City Code (MICC) to meet the requirements of the NPDES Permit, including revisions to Chapters 15.09, 15.10, and 15.11; and

WHEREAS, the Utility Board was briefed on the NPDES Phase II Permit requirements to update LID regulations and adopt the Stormwater Manual; and

WHEREAS, the City recognizes the need to periodically modify its stormwater regulations within Title 15 MICC, in order to conform to state and federal law, codify administrative practices, and improve efficiency of regulations; and

WHEREAS, an Environmental Determination of Non-Significance (DNS) was issued for the proposed code amendments pursuant to the State Environmental Policy Act (SEPA) on April 10, 2017.

WHEREAS, pursuant to RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed code amendments on April 10, 2017.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Amend Chapter 15.09 MICC, Stormwater Management.** Chapter 15.09 MICC, Stormwater Management, is hereby amended as follows:

Chapter 15.09
STORM WATER~~STORM WATER~~ MANAGEMENT PROGRAM

Sections:

- 15.09.010 Establishment of a ~~storm-water~~stormwater management program.
- 15.09.020 Applicability.
- 15.09.030 Definitions.
- 15.09.040 Discharges to storm and surface water system and ground waters.
- 15.09.050 Standards for development and redevelopment.
- 15.09.060 Exceptions.
- 15.09.070 Maintenance and inspection requirements.
- 15.09.080 Administration.
- 15.09.090 Appeals process.

15.09.010 Establishment of a ~~storm-water~~stormwater management program.

A. There is hereby created and established, by the adoption of this chapter and the provisions therein, a city ~~storm-water~~stormwater management program, hereinafter referred to as “the program.” The program shall set forth the primary authority and responsibility for carrying out the Action Agenda for Puget Sound~~Water Quality Management Plan~~ including, but not limited to, responsibilities for planning; establishment of requirements for new development and redevelopment; public education efforts to educate citizens, design, construction, maintenance, administration, operation and improvement of the city’s storm and surface water ~~drainage-~~system; as well as establishing standards for design, construction, and maintenance of improvements and related activities on public and private property where these may affect storm and surface water and/or water quality.

B. The city manager or his/her appointed designee shall be the administrator of the program. (Ord. 09C-09 § 1; Ord. 95C-118 § 1).

15.09.020 Applicability.

A. The provisions of this chapter and the program shall apply to all property and all projects within the limits of the city of Mercer Island. The provisions of this chapter and the program shall control all ~~storm-water~~stormwater management practices; provided, however, if other provisions of this code or any other city ordinance provides more protection of the quality of surface or ground water, it shall control.

B. Applicants for construction projects which involve land disturbing activity shall provide a Construction Stormwater Pollution Prevention Plan (SWPPP)~~storm-water management plan~~ prior to the issuance of any permits.

C. The city manager or his/her designee is authorized to adopt written policies and procedures for the purpose of implementing the program and the provisions of this chapter. (Ord. 09C-09 § 1; Ord. 95C-118 § 1).

15.09.030 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

A

“AKART” means all known, available, and reasonable methods of prevention, control, and treatment.

~~B.~~ “Applicable manual” means the ~~Stormwater Management Manual for the Puget Sound Basin (1992 manual) prepared by the Washington State Department of Ecology (in 1992) and as modified by the city manager or his/her designee for projects less than one acre of land disturbing activity and the Stormwater Management Manual for Western Washington (2005-2012 manual as amended in 2014) prepared by the Washington State Department of Ecology (in 2012 and amended in 2014/2005) for projects greater than one acre of land disturbing activity.~~

~~C.~~ B

“Best management practices (BMPs)” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

~~D.~~ C

“City manager or his/her designee” means the city’s active appointed manager or an employee of the city that acts on his/her behalf.

D

“Development” means new development, redevelopment, or both.

~~E.~~ G

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

H F

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

“Hazardous materials” means any pollutant, contaminant, toxic or hazardous waste, dangerous substance, potentially dangerous substance, noxious substance, toxic substance, flammable material, explosive material, radioactive material, urea formaldehyde foam insulation, asbestos, PCBs, or any other substances the removal of which is required, or the manufacture, preparation, production, generation, use, maintenance, treatment, storage, transfer, handling, or shipment of which is restricted, prohibited, regulated, or penalized by any federal, state, county, or municipal statutes or laws.

~~G.~~ “Hyperchlorinated” means water that contains a chlorine concentration exceeding 10 milligrams per liter.

I

~~H.~~ “Illicit discharge” means any discharge to the city’s storm and surface water system that is not composed entirely of ~~storm water~~ stormwater except discharges pursuant to any non-municipal ~~NDPES~~ NPDES permit and discharges from fire-fighting activities.

~~F.~~ “Illicit connection” means any manmade conveyance that is connected to the city’s storm and surface water system without a permit, excluding roof drains and other similar type connections.

LJ

“Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling and excavation.

“Low impact development” or “LID” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices” or “LID BMPs” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

N

“New development” means land disturbing activities, including Class IV General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

~~K.~~ “NPDES” means the National Pollutant Discharge and Elimination System, a national program for permitting and imposing pretreatment requirements related to the discharge of pollutants to surface waters of the state from point discharges. The permits are administered by the Washington Department of Ecology.

O

“On-site stormwater management BMPs” are synonymous with LID BMPs.

LP

“Pollutant” means any liquid, gaseous, solid, radioactive or other substance that when introduced into waters of the state will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Pollution-generating impervious surface (PGIS)” means impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities (as further defined in the applicable manual); storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating); or roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities.

R

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

SM

~~“Storm water~~Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, ~~and~~drainage or interflow.

~~N“Storm water~~Stormwater pollution prevention plan (SWPPP)” means a plan prepared for a site in accordance with ~~Washington Department of Ecology requirements,~~applicable manual to control pollutants generated on the site that could enter waters of the state.

“Storm and surface water system” means the entire system within the city, both public and private, naturally existing and manmade, for the drainage, conveyance, detention, treatment and storage of storm and surface waters.

“Stormwater facility” means a constructed component of a stormwater system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

“Stormwater Treatment and Flow Control BMPs/Facilities” means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet Minimum Requirement #6 (Runoff Treatment), Minimum Requirement #7 (Flow Control), or both according to the applicable manual.

O. “1992 manual” means the ~~Stormwater Management Manual for the Puget Sound Basin as prepared by the Washington State Department of Ecology.~~Numerical “2005-2012 manual (as amended in 2014)” means the Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology in 2012 and amended in 2014. (Ord. 09C-09 § 1).

15.09.040 Discharges to storm and surface water system and ground waters.

A. Prohibited Discharges. No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain, or otherwise discharge into the municipal storm drain system and/or surface and ground waters any materials other than ~~storm water~~stormwater. Examples of prohibited discharges include but are not limited to the following: trash or debris, construction materials, cement, concrete, petroleum products, antifreeze and other automotive products, metals, flammable or explosive materials, radioactive material, batteries, paints, stains, solvents, drain cleaners, pesticides, herbicides, fertilizers, steam cleaning wastes, soaps, detergents, ammonia, dyes, chlorine, bromine, disinfectants, swimming pool or spa filter backwash, interior floor drainage, commercial car wash discharge, heated water, domestic animal waste, sewage, carcasses, food wastes, bark, lawn clippings or leaves, any process-associated discharge except as otherwise allowed in this section, any hazardous material or waste not listed above, and any chemical not normally found in uncontaminated water.

B. Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the city manager or his/her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater: ~~storm water~~stormwater runoff, diverted stream flows, springs, flows from riparian ~~habitats~~areas and wetlands, rising ground waters, uncontaminated ground water infiltration (as defined in 40 CFR 35.2005(b)(20)), uncontaminated pumped ground water, foundation drains, footing drains, uncontaminated water from crawl space pumps, air conditioning condensation, irrigation water from agricultural sources that is commingled with urban ~~storm water~~stormwater, and discharges from emergency fire-fighting activities.

C. Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, or unless the city manager or his/her designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 parts per million or less, pH-adjusted, if necessary, and released volumetrically and velocity controlled to prevent re-suspension of sediments in the ~~storm water~~stormwater system;

2. Lawn watering and other irrigation runoff are permitted, but the city discourages use in excessive amounts through its public involvement program;

3. ~~Dechlorinated swimming pool, spa, and hot tub discharges.~~ These discharges shall be dechlorinated to a concentration of 0.1 parts per million or less, pH-adjusted and reoxygenated, if necessary, and ~~released volumetrically and velocity controlled~~ to prevent resuspension of sediments in the ~~storm water~~stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater system;

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted, but the city discourages use in excessive amounts through its public involvement program;

5. ~~Non-storm water~~stormwater discharges covered by another NPDES or state waste discharge permit; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm ~~drain-water~~ system;

6. Other non-~~storm water~~stormwater discharges. The discharge shall be in compliance with the requirements of a ~~storm water~~ pollution prevention plan (~~SWPPP~~) reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

D. Prohibition of Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the storm drain or surface water system is prohibited. This prohibition expressly includes illicit connections made in the past, regardless of whether the connection was permissible under the law at the time of the connection. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm and surface water system, or allows such a connection to continue. (Ord. 09C-09 § 1).

15.09.050 Standards for new development and redevelopment.

A. The thresholds, definitions, minimum requirements and exceptions, adjustment, and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the ~~2012~~2005 manual (as amended in 2014) and any amendments thereto are hereby adopted by the city of Mercer Island as the minimum standards for ~~storm water~~stormwater management. ~~with the following exceptions for new and redevelopment projects that disturb less than one acre~~ Furthermore, Minimum Requirement #5: On-site Stormwater Management of the aforementioned 2012 manual is amended as follows:

1. Minimum Requirement #5 applies to projects that:

a. Result in 2,000 square feet, or greater, of new plus replaced hard surface area, or

b. Have a land disturbing activity of 7,000 square feet or greater, or

c. Result in a net increase of impervious surface of 500 square feet or greater.

2. For implementing Minimum Requirement #5, the on-site detention BMP is added to List #1 and List #2 for evaluation on all projects as follows:

~~1. All new development and redevelopment projects disturbing less than one acre must comply with the requirements of the 1992 manual as modified by the city manager or his/her designee. Projects which result in a net increase in impervious surface of 500 square feet or more up to one acre of land disturbance must meet the requirements of the 1992 manual. The threshold for flow control in the 1992 manual shall be reduced from 5,000 square feet to 500 square feet of net new impervious surface. The flow control requirement can be waived If all of the on-site stormwater management BMPs included on List #1 and List #2 are determined to be infeasible for roofs and/or other hard surfaces, on-site detention shall be required when applicable. On-site detention is required when the drainage from the site will be discharged to a storm and surface water system that includes a watercourse or there is a capacity constraint in the system. The on-site detention system shall be sized using the city's standard on-site detention sizing table or other method approved by the city engineer. On-site detention is not required if the project discharges directly to Lake Washington or if findings from a 1/4 mile downstream analysis indicate confirm that the ~~entire~~ downstream system is free of ~~comprised of pipes/roadside ditches and the proposed project discharges will not exceed the conveyance capacity constraints of the downstream system. However, the~~ stormwater must still be conveyed to an existing storm and surface water system in an approved manner.~~

~~2. In the above category, applicants also have the option of using the 2005 manual.~~

~~3. Projects that disturb less than one acre that utilize certain low impact development strategies, measures to minimize the creation of impervious surfaces, measures to minimize the disturbance of native soils and vegetation, and/or other acceptable storm water management techniques will be credited per guidance from the city manager or his/her designee. Provisions for low impact development shall take into account site conditions, access and long term maintenance.~~

~~B. Best management practices ("BMPs") as set forth in the applicable manual shall be used to control pollution at the source prior to discharge to a storm and surface water system. Experimental BMPs are encouraged as a means of improving storm water quality as outlined in the applicable manual. Source control BMPs shall be applied to all projects to the maximum extent practicable. They shall be selected, designed and maintained in accordance with the requirements of the applicable manual.~~

CB. Additional Passive Spill Control Is Required. Projects that replace, modify, or construct a new driveway or parking area with 500 square feet of net new impervious surfaces shall provide passive spill control for that area that receives runoff from ~~non-roof top~~ pollution-generating impervious surfaces (PGIS), ~~including driveways~~, prior to discharge from the site or into a natural on-site drainage feature. The intent of this device is to temporarily detain oil or other floatable pollutants before they enter the downstream drainage stormwater system in the event of an accidental spill or illegal dumping. It shall consist of a tee section in a manhole or catch basin (or elbow when allowed by the city engineer). Note that in addition to this spill control

requirement, other spill control requirements may be required for projects that exceed certain thresholds in the applicable manual.

~~DC.~~ All ~~storm water management plans shall, at a minimum, be equivalent to “storm-waterstormwater site plans” as required by the applicable manual.~~ Storm water management plans shall include an analysis of off-site ~~storm-waterstormwater~~ runoff and water quality impacts and shall mitigate these impacts as necessitated by the applicable manual. The analysis shall extend, where possible, a minimum of one-fourth of a mile downstream from the project. The existing and potential impacts to be evaluated and mitigated include but are not limited to the following:

1. Excessive sedimentation;
2. Streambank erosion;
3. Discharges to ground water and/or their potential;
4. Violations of water quality standards;
5. Discharges of pollutants;
6. Erosion;
7. Flooding;
8. Slope instability; and
9. Other adverse impacts to water quality.

~~E. Any failure of a storm water system, BMPs, erosion and sedimentation control, or water quality protection measures in any new development or redevelopment shall be repaired and/or retrofitted in accordance with the applicable manual.~~

~~FD.~~ Adopted drainage basin plans may be used to modify and/or add to any or all of the minimum requirements for storm and surface water runoff. Basin plans may include requirements for additional runoff detention, retrofitting measures, BMPs, or other measures in order to achieve basin-wide pollutant, flooding, erosion or sedimentation reduction. Standards developed from basin plans shall not modify any of the above requirements until the basin plan has been formally adopted by the Mercer Island city council. (Ord. 09C-09 § 1; Ord. 95C-118 § 1. Formerly 15.09.030).

15.09.060 Exceptions.

Exceptions to the minimum requirements of the applicable manual may be granted prior to permit approval and construction. An exception may be granted by staff; provided, that a written finding of fact is prepared, that meets the following criteria:

A. The exception provides equivalent water quality protection and complies with the public interest; and that the objectives of safety, function, water quality protection and facility maintenance, based upon sound engineering principles, are fully met;

B. There exist special physical circumstances or conditions affecting the property such that the strict application of the provisions of the applicable manual would deprive the applicant of all economic use of the parcel of land in question, and every effort to find creative ways to meet the intent of the minimum standards has been made;

C. That the granting of the exception will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state and city; and the exception is the least possible exception that could be granted to comply with the intent of the minimum requirements of the applicable manual. (Ord. 09C-09 § 1; Ord. 95C-118 § 1. Formerly 15.09.040).

15.09.070 Maintenance and inspection requirements.

A. All public and private stormwater and surface water facilities required by the applicable manual to provide permanent stormwater treatment and/or flow control constructed for sites that disturb a land area one acre or greater as required by MICC 15.09.050 shall be inspected and maintained in accordance with the standards contained in the applicable manual. This section shall pertain only to treatment and flow control facilities. It shall not include collection or conveyance systems. The following are additional minimum standards:

BA. All stormwater treatment and flow control facilities shall be inspected annually, but may be reduced based on inspection records. Owners of private facilities shall be responsible for maintenance, inspections and corrections. Records of facility inspections and maintenance actions shall be retained for a period of at least 10_5 years. These maintenance records are to be provided to the city upon request.

CB. All stormwater treatment and flow control facilities shall be cleared of debris, sediment and vegetation as conditions warrant, when they threaten to affect the functioning and/or design capacity of the facility, but not less than annually.

C. Bare soils shall be seeded, sodded, matted or otherwise covered to prevent the washing off of silt into the system. Grassy swales and other biofilters shall be mowed during the growing season and inspected annually and replanted as needed.

D. Detention systems, discharge control structures, oil separators and water quality facilities shall be inspected and cleaned and/or repaired annually or whenever sediment buildup exceed one third of the catchment volume. More frequent cleaning may be required on those facilities which exhibit a more rapid buildup.

DE. Where the lack of maintenance is causing or contributing to a violation of water quality criteria, property damage or threatens the welfare or safety of the public, actions shall be taken to correct the problem as soon as reasonably feasible.

EF. When an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed within the following time period:

1. Within one year for typical maintenance of facilities, except catch basins, wet pool facilities, infiltration facilities, and detention facilities including detention pipes, ponds, and vaults;
2. Within six months for catch basins routine maintenance operations;

~~3. Within nine months for maintenance requiring revegetation;~~

34. Within two years for maintenance that requires capital construction of less than \$25,000;
and

45. Within the time frame determined by the city manager or his/her designee for maintenance that requires capital construction greater than \$25,000.

The city manager or his/her designee may order corrective maintenance to occur within a specific time period.

FG. Sediment, oil, street or parking lot sweepings and any material containing pollutants shall be properly disposed of at an approved waste facility or, if appropriate, in accordance with the provisions of Chapters 173-303 and 173-304 WAC.

GH. The city manager or his/her designee shall design and develop an inspection program for facilities and systems for both public and private systems in accordance with the goals and objectives and intent of the applicable manual.

H. Any failure of a stormwater system, BMPs, erosion and sedimentation control, or water quality protection measures in any new development or redevelopment shall be repaired and/or retrofitted in accordance with the applicable manual. (Ord. 09C-09 § 1; Ord. 95C-118 § 1. Formerly 15.09.050).

15.09.080 Administration.

A. The city manager or his/her designee shall have the authority to develop and implement administrative procedures to administer and enforce this chapter and the program. The city manager or his/her designee shall approve, conditionally approve or deny an application for activities regulated by this chapter.

B. Prior to the commencement of any construction on a project or “land disturbing activity,” the applicant shall obtain a ~~storm water~~stormwater permit from the city ~~and any other regulatory agencies as required~~. A bond ~~shall be posted~~may be required by the city engineer in an amount sufficient to cover cost of construction of the system in accordance with approved plans and anticipated city inspection. Upon completion of the work inspection and approval of the ~~storm water~~stormwater facilities by the city ~~and receipt of a maintenance agreement~~, 70 percent of the bond shall be released. At the 1-year inspection, the remaining 30 percent shall be released. A 2-year bond may be required for vegetated stormwater facilities.

C. All activities regulated by this chapter shall be subject to inspection. ~~Any p~~Projects shall ~~may~~ be inspected at various stages of the work requiring approval to determine that adequate control is being exercised and construction practices are being accomplishedenforcement actions taken as necessary. These inspections will include, but not be limited to, the following:

1. Prior to site clearing and construction to assess site erosion potential on sites with a high potential for sediment transport;

2. During construction to verify proper installation and maintenance of required erosion and sediment control BMPs;

3. Upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities and verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater facilities;

4. All permanent stormwater facilities and catch basins in new residential developments that are part of a larger common plan of development or sale, every 6 months during the period of heaviest house construction (i.e., 1 to 2 year following subdivision approval to identify maintenance needs and enforce compliance with maintenance standards as needed).

When required, special inspections and/or testing may be required to be performed at the expense of the applicant.

D. The city manager or his/her designee may order the correction or abatement of any storm and surface water facility or condition thereof, a prohibited discharge, or illicit connection constituting a violation of this code or of the applicable manual when such facility or condition thereof has been declared to be a public nuisance. Whenever such a public nuisance is declared, a notice by certified mail shall be made to the violator directing abatement within 30 days of the receipt of the notice. If the required corrective work is not completed within the time specified, the city may proceed to abate the violation as a public nuisance. Summary abatement may be commenced without notice or a stop work order issued when the violation is of such a nature that it is an immediate hazard to life and/or property. Notwithstanding the exercise or use of any other remedy, the city manager or his/her designee may seek legal or equitable relief to enjoin any act or acts or practices which constitute a violation of this chapter.

E. Civil Penalty. In addition to or as an alternative to any other penalty provided herein, or by law, any person who violates the provisions of this chapter, the applicable manual, or an approved ~~storm water~~ stormwater management plan shall incur a cumulative civil penalty in the amount of \$50.00 per day from the date set for correction, until the violation is corrected. In lieu of a civil penalty, the city manager or his/her designee may issue a warning notice and provide educational information on discharge practices when the violation is a first violation of this chapter, is not an intentional violation, and the discharge is determined by the city manager or his/her designee as minor. Any subsequent violation of this chapter by the same person shall not be eligible for a warning notice and shall result in a civil penalty.

F. Notice of Violation and Assessment of Penalty. Whenever the city manager or his/her designee has found or determined that a violation is occurring or has occurred he/she is authorized to issue a notice of violation directed to the violator, the property owner, or the occupant. The following provisions shall apply and notice of violation shall contain:

1. The name and address of the violator, if known;
2. The street address when available or a legal description sufficient for identification of the building, construction, premises, or land upon which the violation is occurring;

3. A statement of the nature of such violation(s);

4. A statement of action required to be taken as to be determined by the city manager or his/her designee and a date of correction.

G. The notice shall notify the owner and/or violator that:

1. The owner and/or violator has 14 days to notify the city manager or his/her designee of a proposed schedule of repair or maintenance action;

2. The owner and/or violator has 30 days after the time of notification set forth in subsection (G)(1) of this section to comply with the notice, unless, for good cause shown, the period of compliance is extended.

H. In the event the owners and/or violators fail to comply with the notice, work may be done by and under the authority of the city, at the expense of the owner and/or violator and the expense shall be charged to the owner and/or violator, and shall become a lien on the property. (Ord. 09C-09 § 1; Ord. 95C-118 § 1. Formerly 15.09.060).

15.09.090 Appeals process.

Any person aggrieved by the decision of the city manager or his/her designee in administering this chapter may appeal the decision to the city council of the city of Mercer Island by complying with the procedures set forth in Chapter 2.30 MICC. (Ord. 09C-09 § 1; Ord. 95C-118 § 1. Formerly 15.09.070).

Section 2. **Amend Chapter 15.10 MICC, Storm and Surface Water Utility.** Chapter 15.10 MICC, Storm and Surface Water Utility, is hereby amended as follows:

**Chapter 15.10
STORM AND SURFACE WATER UTILITY**

Sections:

- 15.10.010 Purpose.
- 15.10.020 Construction – Intent – Definitions.
- 15.10.030 Storm and surface water utility authority.
- 15.10.040 Studies and basin plans.
- 15.10.050 Capital improvement and planning program.
- 15.10.060 Maintenance of drainage facilities.
- 15.10.070 Storm and surface water rates.
- 15.10.080 Liability.

15.10.010 Purpose.

The purpose of this chapter is to separate the existing storm and surface water utility function from the combined sewer utility and to provide for the planning, design, construction, use, inspection and maintenance of the ~~drainage~~ stormwater systems; to minimize flooding; and to

provide for an effective system for the control and prevention of ~~storm-water~~stormwater runoff and water quality problems. This chapter supplements other city regulations regarding protection of the storm and surface water system, including the ~~storm-water~~stormwater management program, Chapter 15.09 MICC, and the interim critical area regulations. (Ord. 95C-127 § 2).

15.10.020 Construction – Intent – Definitions.

A. This chapter is enacted as an exercise of the police power of the city of Mercer Island to protect and preserve the public health, safety and welfare and its provisions shall be construed accordingly. The obligation of compliance with ~~storm-water~~stormwater regulations is upon the owner or operator of each private system, until such time as the city accepts the private system into the city drainage network under the provisions of this chapter. Nothing contained in this chapter is intended to be or shall be construed to create or form the basis of liability on the part of the city of Mercer Island, this utility, its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of any private system to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the city of Mercer Island, its utility, officers, employees or agents.

B. For purposes of this chapter, the following definitions shall apply:

1. C

“City or public ~~drainage~~stormwater system” means those elements of the storm and surface water system of the city that are located on property owned by the city or in the public right-of-way, or are located on property on which the city has an easement, license or the right of use for utility purposes.

L

“Low impact development” or “LID” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices” or “LID BMPs” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

O

“On-site stormwater management BMPs” are synonymous with LID BMPs.

3. P

“Private system or private ~~drainage~~ stormwater facility” means any element of the storm and surface water system which is not part of the public ~~drainage~~ stormwater system as defined in this chapter.

2.S

“Storm and surface water system” means the entire system within the city, both public and private, naturally existing and manmade, for the drainage, conveyance, detention, treatment and storage of storm and surface waters.

“Stormwater Treatment and Flow Control BMPs/Facilities” means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet Minimum Requirement #6 (Runoff Treatment), Minimum Requirement #7 (Flow Control), or both.

4.U

“Utility” means the storm and surface water utility of the city of Mercer Island. (Ord. 95C-127 § 2).

15.10.030 Storm and surface water utility authority.

The storm and surface water utility shall have the authority, by and through the city manager or his/her designee, to plan and implement storm and surface water programs and improvements in the areas described below, and to take such other actions as are deemed necessary and are consistent with the intent of this chapter to control and manage ~~storm water~~ stormwater runoff and water quality. The utility shall have the authority to determine the priorities for working on each of the programs, based on utility funds available and a determination of which programs require primary attention to protect the public health, safety and welfare:

A. Develop, adopt and carry out procedures to implement this chapter, including the collection and spending of revenue for operations, maintenance and capital improvements. Fund capital project planning, administration, and public education functions of utility. Incur debt and pay debt service for utility functions.

B. Prepare engineering standards to establish minimum requirements for the design and construction of ~~stormwater~~ drainage facilities and their maintenance, consistent with the standards established in Chapter 15.09 MICC.

C. Administer and enforce procedures relating to the planning, acquisition, design, construction and inspection of ~~storm water~~ stormwater and ~~surface water~~ facilities.

D. Enter into any contract for the construction of ~~storm water~~ stormwater facilities with owners of real estate and to accept the facilities as municipal ~~storm water~~ stormwater facilities, with the right to recover costs and expenses, pursuant to Chapter 35.91 RCW.

E. Accept, reject, or take other appropriate action with regard to easements offered to the utility or city.

- F. Prepare and enforce standards for the maintenance of ~~drainage~~-stormwater facilities, including retrofit measures, consistent with the standards in Chapter 15.09 MICC.
- G. Develop a program for inspection of private ~~drainage~~-stormwater facilities, consistent with the standards in Chapter 15.09 MICC.
- H. Advise commissions, the city council, city manager and other city departments on matters relating to the utility.
- I. Prepare comprehensive drainage plans for individual drainage basins for adoption by the city council.
- J. Establish and implement programs to protect and maintain water quality and to ~~limit water-quantity~~ control the duration of stormwater flows.
- K. Perform or direct the performance of financial review and analysis of the utility's revenues, expenses, indebtedness, rates and accounting, and recommend budgets, rates, and financial policy for adoption by the city council.
- L. Conduct public education programs related to protection and enhancement of ~~the stormwater~~ and surface water and ~~the municipal city drainage~~-stormwater system. (Ord. 95C-127 § 2).

15.10.040 Studies and basin plans.

The utility may conduct studies and may develop basin plans for adoption by the city council. Basin plans shall be developed according to the engineering standards in Chapter 15.09 MICC. Once a basin plan has been adopted and implemented, it may be modified as authorized by Chapter 15.09 MICC; provided the basin plan and basin-specific policies and requirements provide an equal or greater level of water quality and runoff-control protection. (Ord. 95C-127 § 2).

15.10.050 Capital improvement and planning program.

A. The city manager or his/her designee shall develop a six-year capital improvement and planning program for improvements to or modifications of the public ~~drainage~~-stormwater system, including the incorporation or extension of stormwater ~~drainage~~-systems and facilities and the acceptance of drainage easements and private drainage facilities.

AB. The city manager or his/her designee shall provide the proposed six-year capital improvement and planning program to the city council prior to the adoption of the biennial budget.

BC. The city manager or his/her designee shall provide to the city council a draft of storm and surface water rules and regulations on inspection and maintenance, basin planning, and acceptance of private systems for review and comment prior to adoption by the city manager or his/her designee of the rules and regulations. (Ord. 95C-127 § 2).

15.10.060 Maintenance of drainage facilities.

A. The utility is responsible for maintaining public ~~drainage~~stormwater systems and facilities.

B. Owners of private stormwater ~~drainage~~ systems and facilities, including but not limited to on-site stormwater management (low impact development) BMPs, flow control (detention) facilities, runoff-treatment facilities and conveyance systems, are responsible for their operation and maintenance.

C. In new subdivisions and short plats, maintenance responsibility for private drainage facilities shall be specified on the face of the subdivision or short plat.

D. If a private drainage facility serves multiple lots, then maintenance responsibility rests with the properties served by the facility, unless there is a legal document placing responsibility on some other entity. (Ord. 95C-127 § 2).

15.10.070 Storm and surface water rates.

A. General. The city council shall establish by resolution service rates for use of the ~~drainage~~stormwater system and related drainage services; such rates are in addition to connection charges and fees for specific services. The city may establish classifications of customers or service and rate structures, using any method or methods authorized by law.

B. Rate Basis. Drainage rates shall be based on revenue requirements to cover all costs of the utility, as authorized by the city council by the adoption of the biennial budget and subsequent amendments.

C. Rate Adjustments. The sufficiency of rates shall be evaluated periodically as part of the review and adoption of the annual budget. Rate adjustments shall be recommended as needed to meet revenue requirements. The recommendation shall consider equity, adequacy, costs and other factors allowed by law.

D. Billing and Collection. The utility shall develop and implement procedures and systems pertaining to the billing and collection of drainage service charges and fees in accordance with state law, and shall provide an appeal process for the review of utility bills.

E. Rate Relief. The city council may establish drainage rate relief measures for specific customer classes as authorized by law. (Ord. 95C-127 § 2).

15.10.080 Liability.

The city manager, his/her designee, or any other employee charged with the enforcement of this chapter, acting for the utility in good faith and without malice in the discharge of his/her duties shall not be liable personally for any damages which may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such duties. (Ord. 95C-127 § 2).

Section 3. Amend Chapter 15.11 MICC, Fee In Lieu of Stormwater Detention. Chapter 15.11 MICC, Fee In Lieu of Stormwater Detention, is hereby amended as follows:

**Chapter 15.11
FEE IN LIEU OF ~~STORM WATER~~STORMWATER DETENTION**

Sections:

- 15.11.010 Definitions.
- 15.11.020 ~~Storm water~~Stormwater detention facilities.
- 15.11.0320 Fee in lieu.
- 15.11.0430 Annual adjustment of fee.
- 15.11.0540 Use of fee.
- 15.11.0650 Payment of fee.
- 15.11.0760 Building permit.

15.11.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A

“Applicable manual” means the Stormwater Management Manual for Western Washington (2012 manual as amended in 2014) prepared by the Washington State Department of Ecology in 2012 and amended in 2014.

D

“Developer” means the owner or builder of the property to be developed.

~~B. “Development” shall mean new development, redevelopment, or both, where a proposed new development or redevelopment creates 500 square feet of impervious area or greater, the developer shall provide storm water detention on-site to mitigate the impact of the development or when approved by the city engineer, pay a fee in lieu of detention. However, neither detention nor the fee will be applicable when the city engineer determines, in his/her sole discretion, that there will be no material adverse impact to the system capacity and/or water quality.~~

I

“Impervious surface” means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

N

“New development” means land disturbing activities, including Class IV General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

R

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

D. “Developer” shall mean the owner or builder of the property to be developed.

E-S

“Subdivision” shall mean the division of, or the act of division of, land into two or more lots for the purposes of building development including short subdivisions and long subdivisions. (Ord. 00C-08 § 1).

15.11.020 Storm water Stormwater detention facilities.

The city of Mercer Island adopted a storm water stormwater management program through Ordinance No. 95C-118. The applicable manual is adopted in MICC 15.09.050 The program identifies the Washington State Department of Ecology’s Stormwater Management Manual for the Puget Sound Basin as the minimum standards for storm water management. These standards and includes criteria for storm water stormwater detention facilities. (Ord. 00C-08 § 1).

15.11.0320 Fee in lieu.

A. The developer may pay a fee in lieu of constructing the storm water stormwater detention facilities required by 15.09.050(B) this section or by Chapter 15.09 MICC, Storm Water Management Program, when authorized by the city engineer. The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site and excludes the costs associated with designing such a facility. The developer shall submit to the city engineer a ¼ mile downstream analysis and calculations determining the total new plus replaced impervious surface area as the basis for determining the fee amount by the city engineer. Appendix 1—Minimum Storm Water Detention Fee, shall be used to determine the fee based on the total impervious area calculated.

B. If the total impervious area of a development or addition exceeds The city engineer will only consider the fee in lieu on projects creating less than 10,000 square feet of new plus replaced impervious area. the areas shown in Appendix 1, the fee will be based on the estimated cost of constructing on-site detention. In this case, the developer shall hire a licensed civil engineer to calculate the size of detention system and prepare a cost estimate for construction of the system for review by the city engineer.

C. A developer will not have the option to pay a fee in lieu of constructing a ~~storm-water~~ stormwater detention facility if, in the opinion of the city engineer, undetained runoff from the development may materially adversely exacerbate an existing problem. (Ord. 00C-08 § 1).

15.11.0430 Annual adjustment of fee.

The fees ~~are established by the city engineer and in Appendix 1~~ shall be adjusted upward on July 1, 2001, and every July 1 thereafter by multiplying the rates in effect on the prior July 1 by 100 percent of the percentage increase in the Consumer Price Index (CPI) for the 12-month period ending the preceding April. The fees shall remain the same in the event the CPI indicates a decrease. If the index ceases to be published on a monthly basis, the adjustment shall be based on the CPI for the most recent 12-month period. The CPI to be used shall be the Consumer Price Index – All Urban Consumers as published by the United States Department of Labor for the Seattle/Tacoma/Bremerton Metropolitan area. In the event the Department of Labor ceases to publish such an index for the Seattle/Tacoma/Bremerton Metropolitan area, then its index for the Puget Sound region or the state shall be used. (Ord. 00C-08 § 1).

15.11.0540 Use of fee.

A fee paid in lieu of constructing ~~storm-water~~ stormwater detention at the development ~~or addition~~ shall be held by the city of Mercer Island’s ~~storm-water~~ stormwater utility for the construction of ~~storm-water~~ stormwater management projects designed to serve the immediate or future needs of the city to reduce ~~storm-water~~ stormwater flooding and/or erosion, and to enhance water quality, in ravines and watercourses. (Ord. 09C-02 § 1; Ord. 00C-08 § 1).

15.11.0650 Payment of fee.

Payment of the fee shall be made based on the following:

- A. Single-Lot Development ~~or Addition~~. Prior to the issuance of a building permit; or
- B. Subdivision. Prior to recording the final subdivision. Payment may be deferred by the city engineer to issuance of a building permit when determined to be in the best interest of the city. (Ord. 00C-08 § 1).

15.11.0760 Building permit.

No building permit shall be issued for development as provided herein, until all requirements of this chapter are met to the satisfaction of the city engineer. (Ord. 00C-08 § 1).

Appendix 1

Minimum Storm Water Detention Fee*	
Impervious Surface Area	Fee
Less than 1,000 sq. ft.	\$5,500
1,000 – 2,000 sq. ft.	\$6,260
2,000 – 3,000 sq. ft.	\$6,800
3,000 – 4,000 sq. ft.	\$7,320

4,000 — 5,000 sq. ft.	\$7,850
5,000 — 6,000 sq. ft.	\$8,375
6,000 — 7,000 sq. ft.	\$8,900
7,000 — 8,000 sq. ft.	\$9,425
8,000 — 9,000 sq. ft.	\$9,950
9,000 — 10,000 sq. ft.	\$10,500
greater than 10,000 sq. ft.	**

~~* If the city engineer determines, in his/her sole discretion, that actual construction costs would exceed the fee determined in accordance with Appendix 1 by more than 25 percent, the fee shall be adjusted to be equal to city engineer's construction cost estimate.~~

~~** Fees for impervious areas exceeding 10,000 square feet shall be determined on a case-by-case basis. The applicant's engineer shall calculate the size of the detention system necessary for the project and develop a construction cost estimate. The cost estimate shall be the amount of the fee upon approval by the city engineer.~~

Mercer Island Drainage Basins



Map printed May 8, 2000

Mercer
Island
Geographic
Information
Systems



Section 4. **Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality does not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 5. **RatificationApplication.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed. Pursuant to Western Washington Phase II Municipal Stormwater Permit requirement S5.C.4, the stormwater regulations in this ordinance shall apply to all applications submitted on or after July 1, 2017 and shall apply to applications submitted prior to July 1, 2017, which have not started construction by January 1, 2022.

Section 6. **Effective Date.** This ordinance shall take effect and be in force on June 30, 2017, provided that said effective date is 5 days or more after its passage and publication of this ordinance.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 5th day of June 2017, and signed in authentication of its passage.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

Approved as to Form:

ATTEST:

Kari L. Sand, City Attorney

Allison Spietz, City Clerk

Date of Publication: _____



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5312
June 5, 2017
Regular Business**

I-90 LOSS OF MOBILITY STATUS REPORT

Proposed Council Action:

No action necessary. Receive report and provide direction to Staff.

DEPARTMENT OF

City Manager (Julie Underwood)

COUNCIL LIAISON

n/a

EXHIBITS

Exhibit 1: May 31 Council Meeting Minutes and Sound Transit Tentative Agreement
Exhibit 2: May 23, 2017 Letter from FHWA
Exhibit 3: May 24, 2017 Letter from WSDOT
Exhibit 4: North Mercer & Town Center Restricted Parking Map
Exhibit 5: Resolution No. 1285 setting parking penalties

2017-2018 CITY COUNCIL GOAL

1. I-90 Access and Mobility/Prepare for Light Rail

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

Tentative Settlement Agreement with Sound Transit

Late into the evening on Wednesday, May 31, 2017, the Council voted 5-1 (1 absent) to accept a package of mitigation measures from Sound Transit, valued at just over \$10 million, to offset the impacts of the East Link light rail project and partially compensate for permanent impacts to local traffic patterns, including the loss of access to westbound I-90 from the Island's only 4-lane arterial (Island Crest Way). For a copy of the meeting minutes and terms to the Sound Transit tentative agreement see Exhibit 1.

Following extensive negotiations, this package provides mitigation in all the areas the community identified as its top priorities:

- Transit Access and Safety: \$5.3 million to address vehicle, bicycle and pedestrian access issues resulting from the closure of the Center Roadway, as well as "last-mile solutions" that enable Islanders to access transit without driving.
- Parking: Commitments to provide approximately 100 additional commuter parking stalls during the East Link construction period (2017-2023); and \$4.4 million to apply towards new, long-term commuter parking that will be managed by the City.

- **Bus-Rail Integration:** No large bus facility will be built on 80th Avenue - instead, all pick-up and drop-off will continue to occur on North Mercer Way, as it does today, and bus volumes will be limited to ensure no greater impact than current operations.

The tentative settlement agreement reached is a framework, and the actual settlement language must be prepared and voted on by both parties later through a formal agreement. In the meantime, the City, Sound Transit, and the Washington State Department of Transportation (WSDOT) have suspended their respective pending legal actions and have agreed not to commence any new legal actions.

The agreement does not address access to I-90 for single occupant vehicles at the Island Crest Way westbound onramp, as this is a federal issue and outside of Sound Transit's legal authority.

Island Crest Way (ICW) On-ramp Access for Single Occupant Vehicles (SOVs)

One of the most significant concerns for Islanders is the restriction of SOVs on the Island Crest Way westbound on-ramp to I-90. On May 23, the City received notice from the Federal Highway Administration (FHWA), reiterating its opposition to future Single Occupant Vehicle (SOV) access to westbound I-90 at the Island Crest Way onramp (Exhibit 2). Subsequently, WSDOT Secretary Roger Millar issued a letter stating that once the center roadway closes the weekend of June 3, the westbound Island Crest Way onramp and the newly created HOV lanes will be for HOV-only (Exhibit 3).

The City is committed to fighting for this access. We are working with Congressional, State, and regional partners and continue to pursue a federal lobbying strategy. While the timing of a solution is uncertain, this will continue to be one of the City's highest priorities. The agreement with Sound Transit and WSDOT frees up additional City resources to devote to this effort.

Access to Transit and Commuter Parking

Earlier this month, Council asked staff to look at ways to quickly create commuter parking opportunities for Island residents using our current parking permit program. Staff identified four parking opportunities for Council consideration and feedback:

1. **Add On-street Parking on 77th Ave. SE.** The concept to restripe 77th Ave. SE between SE 27th St. and SE 32nd St. to add on-street parking was adopted by City Council in 2016 as part of the Town Center planning efforts. This plan would maintain one vehicle travel lane in each direction and replace the two bike lanes with sharrows. The two-way center left turn lane would be largely eliminated, except where necessary for large truck deliveries, as it is used today. Left turn pockets at SE 29th St. and SE 27th St. would remain. This reconfiguration could result in 60-70 parallel parking stalls. The cost would be approximately \$35,000 and would take approximately a week to complete (scope of the project is from curb to curb and involves removing pavement markings, applying thermal plastic sharrows, restriping and signage). Likewise, if the Council would like to increase permit/commuter parking in the Town Center, there are limited locations to consider. The location on 77th Ave. SE would increase parking capacity and it is within a half-mile walkshed of the North Mercer Way park and ride.
2. **Evaluate Expansion of Permit Parking and Parking Time Restrictions in the Town Center.** City Council asked staff to evaluate the process and possibility of creating more on-street permit parking for residents-only in the Town Center. The attached map shows the current extent of time-limited and permit parking in the Town Center (Exhibit 4). Expanding the area of permit parking and/or changing the current time restrictions requires an ordinance amending chapter 10.74 MICC. Staff recommends working with the Chamber to determine if the current parking time restrictions are working and if new, different restrictions are needed and to consider expanding the availability of current permit parking in the Town Center (if 77th Ave. SE is a good option).

3. Increase Parking Permit Fee. The current fee for a Town Center parking permit is \$10 for two years. Increasing the fee will fund additional parking enforcement resources that will be needed to ensure that permit parking areas are being used by Island residents and that time-limited stalls are being used as intended, as well as support costs devoted to the administration of the program. Residents who live in the North Mercer RPD area expressed concern about a large fee increase. Chapter 10.74 MICC authorizes the Finance Director to set the parking permit fee. Staff recommends determining the appropriate fee structure, including a possible multi-tier fee structure, and consulting with Council prior to its implementation.

4. Increase Parking Citation Fine. As a deterrent for parking violators and to help with turnover in parking, staff recommends that the Council consider an increase in the parking citation fine. The current fine for a parking citation is \$35 and was last set 16 years ago in 2001 by Resolution No. 1285 (Exhibit 5). Staff recommends reviewing this topic and returning to the Council with a proposal for further Council consideration.

Staff reached out to Neighbors in Motion (NIM) to seek their input, and they are not supportive of the proposal to eliminate the bike lanes on 77th Ave. SE. In fact, NIM supports having more bike lanes in Town Center. Staff also reached out to the Chamber recently to discuss parking in Town Center, and they are generally supportive of having more parking for retail customers and/or employees. In addition, some residents have expressed the need for more parking to access events hosted at Mercerdale Park.

Community Outreach

On May 16, 2017, City staff and Councilmember Sanderson met with a group of Citizen Advisors to discuss proposed East Link project mitigation and to hear concerns and suggestions. Likewise, staff provided an update and answered questions. The following residents and staff attended:

Residents:

Hilary Benson	Bob Olson
Elizabeth Buckley	Russell Stein
Michelle Goldberg	Alison Stovall
Jim Lovsted	Dan Syrdal
Subeer Manhas	Dan Thompson
Melissa Neher	Carv Zwingle

Staff:

Julie Underwood, City Manager
 Kirsten Taylor, Assistant City Manager
 Kari Sand, City Attorney
 Ed Holmes, Police Chief
 Steve Heitman, Fire Chief
 Michael Lapham, KPG

Traffic & Safety Community Meeting

On June 22, the City will be hosting a Traffic & Safety Community Meeting. This kicks-off an extensive community engagement process to prepare a traffic and safety mitigation plan. The goals of this initial meeting are to share the most current data that Transpo and KPG, the City's traffic consultants, have collected before and after the closure of the I-90 center roadway. In addition, the City would like to hear from residents, especially those commuting westbound in the morning, about their experiences accessing I-90. The City will distribute more details about this meeting soon.

RECOMMENDATION

City Manager

Receive report and provide staff direction regarding transit and parking issues.



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 31, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:10 pm at City Hall, 9611 SE 36th Street, Mercer Island, WA.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson (Left the meeting at 8:10 pm and rejoined by phone at 11:30 pm), and Benson Wong were present. Councilmembers Wendy Weiker (Joined in person at 5:20 pm) and David Wisenteiner (Joined in person at 5:25 pm, left the meeting at 8:10 pm) initially participated by phone.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes.

At 5:10 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:30 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:30 pm, Mayor Bassett extended the Executive Session for 90 minutes.

At 9:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 10:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 11:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

It was moved by Bertlin; seconded by Weiker to:

Accept the mitigation package including assumptions set forth in the attached Exhibit A to redress the City's concerns about the loss of mobility for traffic to and from Mercer Island consistent with the 1976 Memorandum Agreement and 2004 Amendment thereto, and in full and final settlement of the pending legal disputes, including appeals, between the City of Mercer Island, Sound Transit and the Washington State Department of Transportation; provided, however, this acceptance is contingent on approval of the final agreement by the Mercer Island City Council and Sound Transit's Board and it is further contingent on Sound Transit staying all of its pending legal actions and not commencing any further proceedings or new litigation while approval is pending. City staff is further directed to strike the City's motion for a preliminary injunction and to stay its appeals to the Supreme Court before the commencement of the hearings scheduled for June 1, 2017 and take all steps necessary to fulfill the requirements of Exhibit A. The City will not commence any further proceedings or new litigation related to the East Link Light Rail project while approval is pending.

Passed 5-1

FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)

AGAINST: 1 (Wong)

ABSENT: 1 (Wisenteiner)

It was moved by Bertlin; seconded by Grausz to:

Authorize City staff to work collaboratively with Sound Transit staff to prepare a Memorandum Agreement to formally memorialize the terms set forth in Exhibit A.

Passed 5-1
FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)
AGAINST: 1 (Wong)
ABSENT: 1 (Wisenteiner)

At 11:30 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 11:35 pm.

Attest:

Bruce Bassett, Mayor

Ellie Hooman, Deputy City Clerk

Item	ST Offer- 5/22
<p>Short-term (construction) parking</p> <p>Title in 5/20/17 MI Offer doc: <i>Construction Period Parking</i></p> <p>Cost: \$ 240,000</p> <p>Sum of items: \$ 240,000</p>	<ul style="list-style-type: none"> • Sound Transit will lease, consistent with the parameters of leased lots in Bellevue, Renton and Redmond (if feasible), stalls for transit user parking, with a goal of securing 100 stalls which are either within a 1/3-mile walkshed of the P&R or will be served by transit/shuttle service. ST will continue pursuing spaces beyond June 3, with the goal of reaching 100 stalls by August 1, 2017. • Any unused money is transferable to the “Traffic congestion & bike/ped impacts” allocation of \$5.1M
<p>Bus/rail Integration</p> <p>Title in 5/20/17 MI Offer doc: <i>Bus/Rail Integration</i></p> <p>Cost: \$N/A</p> <p>Sum of items: \$ 240,000</p>	<ul style="list-style-type: none"> • The 77th Ave SE configuration will be accepted modified as follows: <ul style="list-style-type: none"> • No pick-up/drop-off on 80th Ave. SE. • Bus volumes on North Mercer Way both during peak periods and on a daily basis would not exceed current volumes (excluding, for these purposes, both current and future MI-only buses) • Buses (other than MI-only buses) would not drive through the MI Town Center via SE 27th Street except in emergency or unexpected situations (<u>e.g.</u>, to get around a traffic accident). <p>In addition, the City expects the following additional operational provisions but is willing to consider modifications based on King County Metro operational concerns:</p>

	<ul style="list-style-type: none"> • All pick-up/drop-off (other than local Mercer Island buses) would be on the south side of North Mercer Way between 77th Ave. SE and 80th Ave. SE. • Bus layovers limited to no more than 15 minutes and would only occur incident to the PM peak hour operation. • Except as to buses running entirely on electrical (battery) power, no idling of buses other than during actual pick-up or drop-off times.
<p>Traffic congestion & bike/ped impacts</p> <p>Cost: \$5,100,000 Sum of items: \$5,340,000</p>	<ul style="list-style-type: none"> • ST will complete all traffic mitigation work identified in the FEIS and Addendum, consistent with those environmental documents. • Sound Transit will make reimbursable contributions to the City not to exceed \$5,100,000 for traffic safety enhancements as determined by the City which could include temporary and permanent improvements to intersections, signage, traffic calming, crosswalks, etc. Unencumbered funds, if any, may be applied to improving last mile transit access or Aubrey Davis Park improvements. • ST is willing to coordinate with the City to mutually study and address traffic safety enhancements and intersection improvements, subject to the overall maximum contribution of \$5,100,000 set forth above.
<p>I-90 Emergency Response</p> <p>Title in 5/20/17 MI Offer doc: <i>I-90 Emergency Response (included under "Ancillary Agreements" section)</i></p>	<ul style="list-style-type: none"> • Include MI in ST's existing multi-city/multi-agency Fire Life Safety Committee which comprehensively addresses these concerns • Sound Transit will provide funding for police and fire training as previously agreed

<p>Cost: \$ 23,100 Sum of items: \$5,363,100</p>	
<p>Long-Term Parking</p> <p><i>This item is addressed in two different ways in the 5/20/17 MI Offer doc, based on the approach of either Option 1 (Access to Transit Funding) or Option 2 (Transit Oriented Development)</i></p> <p>Cost: \$4.41 million Sum of items: \$9,773,100</p>	<ul style="list-style-type: none"> • Upon completion of the new, expanded South Bellevue Park and Ride, ST will terminate the short-term commuter lot leases referenced in “Short-term parking (construction) parking”. • ST will make a reimbursable contribution to one or more City-led TOD projects and/or structured parking projects. The contribution for transit user parking stalls will be 49% of the construction cost per stall of approximately \$45,000/stall (\$22,050.00), for each stall provided by the City up to a maximum of 200 stalls and a total not to exceed amount of \$4,410,000. • \$45K/stall goes up by inflation annually. To the extent this results in more than \$4.41 million being spent, the excess would be deducted from the “Traffic congestion & bike/ped impacts” allocation. This means that the overall total of \$10,050,000 is not exceeded. • Any unused portion of the \$4.41M for long-term parking may be transferred to the “Traffic congestion & bike/ped impacts” allocation.
<p>Aubrey Davis Park</p> <p>Title in 5/20/17 MI Offer doc: <i>Aubrey Davis Park (included under “Ancillary Agreements” section)</i></p> <p>Cost:</p>	<ul style="list-style-type: none"> • Sound Transit will contribute not to exceed \$50,000 to City’s Aubrey Davis Park Master Plan; any remaining funds from the \$50,000, if any, may be used for implementation of the Aubrey Davis Park Master Plan • Sound Transit will assign appropriate staff to assist in development of plan • In the proximity of 77th and 80th Ave, ST will ensure safe and equitable access to the LRT station which will include the re-routing of the I-

<p>\$50,000 Sum of items: \$9,823,100</p>	<p>90 bicycle route in the same proximity to avoid conflicts with the MI Park and Ride on North Mercer Way, and such costs will not count against the above allowances.</p>
<p>Additional Staffing through Construction</p> <p>Title in 5/20/17 MI Offer doc: <i>Staffing Assistance (included under "Ancillary Agreements" section)</i></p> <p>Cost: N/A</p> <p>Sum of items: \$9,823,100</p>	<ul style="list-style-type: none"> • Work closely with the City to develop and implement community information measures required by the FEIS and ROD • ST community outreach staff will spend 15 hours per week at City-provided work space to develop and implement community outreach and communication measures.
<p>Last Mile Pilot Project with King County Metro</p> <p>Cost: \$226,900</p> <p>Sum of items: \$10,050,000</p>	<ul style="list-style-type: none"> • Sound Transit and the City will partner with King County Metro to launch a pilot project to improve last mile transit access for Mercer Island residents and that would potentially have regional applicability

Assumptions:

This proposal is not binding and subject to Sound Transit Board and Mercer Island City Council approval.

The proposal will have to be turned into a formal agreement. ST and City staff can make minor language clarifications as may be necessary and agreed.

Sound Transit will require a high degree of certainty that the East Link Project elements in the City will continue to move forward within the approved scope, schedule and budget, including City Council

approval before Thursday (June 1, 2017) that all applicable permit conditions and mitigation requirements, including parking, necessary to issue the building permit and other permits for the project are fulfilled by the mitigation provided in this settlement.

Among the matters that should be addressed in the final agreement is a commitment by the City to promptly issue the building permit and any other permits necessary for the East Link Project without any additional requirements for parking or other mitigation that are not otherwise included in this settlement.

The City will agree to strike its motion for an injunction and stay its appeals to the Supreme Court before Thursday's hearings. The City will further stay all current proceedings and not commence any further proceedings or new litigation or new regulatory action impacting the East Link project while approval is pending.

Sound Transit will stay all current proceedings and not commence any further proceedings or new litigation while approval is pending.

If a final settlement agreement is approved by both parties, the current lawsuit and appeals will be dismissed with prejudice. If the settlement is not approved, the lawsuit will continue.

The City and Sound Transit will work together to ensure that there is a clear and collaborative path forward for timely issuance of permit decisions and construction of the Mercer Island Station, all East Link facilities in the City, and the bus/rail integration facility serving the Mercer Island Station.



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

1200 New Jersey Ave., SE
Washington, D.C. 20590

May 23, 2017

In Reply Refer To:
HOTM

The Honorable Bruce Bassett
Mayor of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Dear Mayor Bassett:

Thank you for your letter of May 12 regarding Mercer Island access to I-90. The Department of Transportation recognizes the importance of I-90 to Mercer Island. However, the Department is restricted by Federal law in allowing single occupancy vehicle (SOV) access to high occupancy vehicle (HOV) lanes.

Congress specified HOV passenger requirements initially in 1991 and codified them in their current form in 2005 as part of Public Law 109-59. The HOV facility statute (23 U.S.C. 166(a)) allows exceptions to the occupancy requirement for motorcycles, public transportation vehicles, high occupancy toll vehicles (HOT), and low emission and energy-efficient vehicles. It does not give the Department legal authority to grant either a temporary or permanent waiver to permit other SOV access to HOV lanes.

Allowable SOV access to HOV facilities exists for two other reasons: 1) HOV facilities were built before 1991 (i.e., they are “grandfathered”) and have not been significantly altered since enactment of the original HOV statute; 2) Congress enacted legislation to address specific facilities. Any grandfathered facility must be brought into compliance if its design is altered. Your letter references two facilities, I-5 in Seattle and I-80 in Sacramento, which were constructed prior to 1991, so are grandfathered as is until their design is altered.

The Federal Highway Administration stands ready to support Washington State and Mercer Island authorities in developing a solution consistent with 23 U.S.C. 166.

Sincerely yours,

Walter C. Waidelich, Jr.
Acting Deputy Administrator



**Washington State
Department of Transportation**

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 24, 2017

The Honorable Dow Constantine
King County Executive
401 5th Ave Suite 800
Seattle, WA 98104

The Honorable Ed Murray
Mayor, City of Seattle
600 4th Ave
Seattle, WA 98104

The Honorable Bruce Bassett
Mayor, City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040-3732

The Honorable John Stokes
Mayor, City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Mr. Peter Rogoff
Sound Transit Chief Executive Officer
401 S. Jackson Street
Seattle, WA 98104-2826

Dear Executive Constantine, Mayor Murray, Mayor Stokes, Mayor Bassett and Mr. Rogoff:

This letter is to notify you of the Interstate 90 operational change that the U.S. Department of Transportation (USDOT) has advised the Washington State Department of Transportation (WSDOT) is allowable under federal law. WSDOT will implement the change to operate the westbound Island Crest Way on-ramp and the newly created High Occupancy Vehicle (HOV) lanes as HOV-only beginning the weekend of June 3, 2017 when the center roadway is permanently closed to vehicles. This decision acknowledges the intent and goals of the 1976 Memorandum Agreement and the 2004 Amendment to the agreement. It was reached after consultation and attempts to reach concurrence with all signatories to the agreement and its amendment, and in consideration of all applicable state and federal law.

As you know, on August 5, 2016, the Federal Highway Administration (FHWA) formally notified WSDOT and the City of Mercer Island that federal law prohibits single occupancy vehicles (SOV) from using the new I-90 HOV lanes between Mercer Island and Seattle. With Mercer Island's leadership, the City, WSDOT, King County, and others sent a letter on May 12, 2017 to the U.S. Secretary of Transportation Elaine Chao. The letter requested consideration from USDOT to allow continued SOV access from the Island Crest Way on-ramp to the new westbound HOV lane, with provision for SOVs to merge safely out of the new HOV lane on the floating bridge.


Executive Constantine, Mayor Murray, Mayor Stokes, Mayor Bassett and Mr. Rogoff
May 24, 2017
Page Two

Unfortunately, the May 23, 2017 response from FHWA reaffirmed their August 5, 2016 letter. FHWA's May 23 letter outlined that 23 U.S.C. 166(a) allows exceptions to the two-plus HOV occupancy minimum requirement "for motorcycles, public transportation vehicles, high occupancy toll vehicles (HOT), and low emission and energy-efficient vehicles." The letter states that federal law "does not give the Department legal authority to grant either a temporary or permanent waiver to permit other SOV access to HOV lanes."

WSDOT is obligated to comply with federal law regarding HOV lanes as enacted by Congress. Given USDOT's determination about what is allowed under federal law, once the center roadway closes the weekend of June 3, the westbound Island Crest Way on-ramp and the newly created HOV lanes will be operated as HOV-only.

Thank you for your continued partnership to move this important regional transportation improvement forward. I look forward to working with all parties as we open the new I-90 HOV lanes and begin operation of this facility.

Sincerely,



Roger Millar, PE, AICP
Secretary of Transportation

RM:jd

North Mercer & Town Center Restricted Parking









North Mercer RPD Limits

Town Center Permit Parking Limits

Luther Burbank Park

Community Center

90

-  Permit Parking Limits
-  No Parking
-  2 Hour Limit
-  4 Hour Limit
-  No Parking 7 to 10 AM
-  Not Restricted
-  North Mercer RPD Permit Parking (M-F, 8-5 pm)
-  Town Center Permit Parking (M-F, 7-9 am)





**CITY OF MERCER ISLAND
RESOLUTION NO. 1285**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MERCER ISLAND ESTABLISHING PENALTIES FOR PERMIT
PARKING VIOLATIONS INVOLVING PARKING IN VIOLATION OF
POSTED PARKING RESTRICTIONS OR UNAUTHORIZED
TRANSFER OR OTHER UNAUTHORIZED USE OF PARKING
PERMITS.**

A. Mercer Island Municipal Code Section 10.18.080 empowers the City Council to set civil penalties for parking violations involving parking in violation of posted parking restrictions; and

B. Ordinance No. 01C-11 authorizes a scheme for permit parking on certain designated streets that establishes restrictions on parking to preserve the public safety and welfare, prohibits the transfer or other unauthorized use of such permits, and authorizes the City Council to set monetary penalties for parking violations in permit -restricted areas and for unauthorized transfer or other unauthorized use of a permit;

THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

Section 1. Penalties.

A. The penalty for parking in a permit-restricted area within the City of Mercer Island without a valid permit shall be \$35.00.

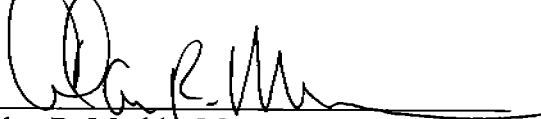
B. The penalty for any transfer, attempt to transfer or other unauthorized use of a parking permit shall be \$250.00.

Section 2. Effective Date. This Resolution shall take effect and be in force on or after January 7, 2002.

D

ADOPTED by the City Council of the City of Mercer Island, Washington, at its regular meeting on the 5th day of November 2001.

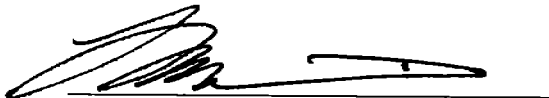
CITY OF MERCER ISLAND


Alan R. Merkle, Mayor

ATTEST:


Christine L. Eggers, City Clerk

Approved as to Form:


Londi K. Lindell, City Attorney

L:\PARKING\Parking Restrictions Penalties Reso.doc



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5308
June 5, 2017
Regular Business**

**CABLE FRANCHISE AGREEMENT WITH
CENTURYLINK (1ST READING)**

Proposed Council Action:

Set Ordinance No. 17-14 to June 19, 2017 for second reading and adoption.

DEPARTMENT OF	City Attorney (Kari Sand)
COUNCIL LIAISON	n/a
EXHIBITS	1. Ordinance No. 17-14
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

Since 2015, City staff and CenturyLink representatives have been working together to negotiate a franchise agreement allowing CenturyLink to provide its new cable service – “Prism TV” – to Mercer Island residents. Historically, Comcast has been the sole cable operator within the City. A franchise agreement between the City and CenturyLink would provide Mercer Island residents additional options for cable service.

A franchise agreement allows CenturyLink to locate its facilities (either on utility poles or underground) in City rights-of-ways. As part of the agreement, CenturyLink will pay a 5% franchise fee and other consideration for use of City right-of-way. Staff has negotiated a proposed franchise agreement with CenturyLink with terms that comply with federal law and meet the needs and interests of the community.

CENTURYLINK PRISM TV

CenturyLink currently operates in the City as a telephone and internet service provider under its statewide franchise. In the last few years, CenturyLink began offering its Prism TV service and has entered into franchise agreements with cities throughout Washington, including within King County. Prism TV will be deployed on the same utility lines as its telephone and internet services. Prism TV runs off an Internet Protocol (“IP”) network and video content travels through CenturyLink’s managed two-way IP network.

FEDERAL LAW OVERVIEW

Cable franchising is regulated both federally and locally. Overall, federal law requires a cable operator to enter into a franchise agreement with the local franchising authority and governs what issues can be addressed in the franchise. Federal law forbids the City from entering into exclusive franchises and also prevents the City from “unreasonably refus[ing] to award an additional competitive franchise” or establishing

procedures or other requirements that have the effect of unreasonably interfering with a would-be competitor obtaining a competitive franchise. See 47 U.S.C. § 621(a)(1). The Federal Communications Commission (“FCC”) has established rules to facilitate the entry of new cable competitors into the market and eliminate unreasonable barriers to entry. See FCC 07-190. Examples of what the FCC would consider unreasonable barriers to entry include: negotiation delay; unreasonable build-out requirements or requiring more of the new entrant (CenturyLink) than is required of the incumbent provider (Comcast). Federal law preempts any state or local law in conflict with provisions of the Cable Act. *Id.* at ¶¶ 82-97. Federal law also limits the franchise fee a City can impose to 5% of a cable operator’s gross revenues derived from cable services.

KEY TERMS OF THE PROPOSED FRANCHISE AGREEMENT

The franchise agreement, attached as Exhibit 1, has a term of 5 years, imposes a 5% franchise fee and covers a wide variety of topics including: programming, Public, Educational and Government (“PEG”) Access, maintenance standards and requirements, customer service standards, franchise fees, insurance and indemnification, permitting, construction and use of the right-of-way.

Overall, the agreement attempts to ensure that the use of public rights-of-way is protected and managed, that CenturyLink provides a high level of customer service and that the City is compensated fairly for the use of its rights-of-ways.

Highlighted Sections of the Franchise Agreement:

Programming and PEG channels

CenturyLink will provide at least 150 channels with 14 broad categories of programming (e.g., education, news & information, government affairs, sports, weather, children and family). CenturyLink will also work with the City to operate a PEG channel for governmental and/or educational programming. The City will provide the content.

Customer Service Standards

The FCC has adopted federal standards for customer service provided by cable operators. Section 8 of the franchise agreement aligns with the standards adopted by the FCC. This section sets forth requirements for the following customer service issues:

1. Office Hours and Telephone Availability
2. Quarterly Reports Measuring Compliance with the Customer Service Standards
3. Installations and Service Calls (e.g., appointment windows)
4. Outages and Service Interruptions
5. TV Reception
6. Communications with Subscribers
7. Billing, Credits, Refunds and Deposits
8. Subscriber Rights

Re-Opener Clauses

Federal law prohibits the City from creating an unreasonable barrier to entry to cable operators. Currently, only Comcast has a cable franchise with the City. The Comcast cable franchise agreement was entered into in 2005 and is scheduled to be renegotiated within the next year. To avoid creating an unreasonable barrier to entry and running afoul of federal law, the City cannot require more of CenturyLink than is already required of Comcast as the incumbent. As a result, the franchise agreement with CenturyLink contains several re-opener clauses that impose greater requirements on CenturyLink once they are so imposed upon Comcast. For example, if Comcast provides a need-based discount pursuant to a franchise agreement, CenturyLink must offer the same within 90 days. Additionally, CenturyLink agrees to collect a PEG fee (up to \$1.00) and increase its insurance minimum coverage limits once Comcast is required to do so.

SUMMARY

Granting CenturyLink a cable franchise will provide much needed competition in the City's cable market.

RECOMMENDATION

City Attorney

MOVE TO: Set Ordinance No. 17-14 to June 19, 2017 for second reading and adoption.

**CITY OF MERCER ISLAND
ORDINANCE NO. 17-14**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, GRANTING TO QWEST BROADBAND SERVICES, INC., D/B/A CENTURYLINK, A DELAWARE CORPORATION, A NONEXCLUSIVE CABLE TELEVISION FRANCHISE TO INSTALL CONSTRUCT, MAINTAIN, REPAIR, AND OPERATE A CABLE TELEVISION SYSTEM WITHIN THE PUBLIC RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Qwest Broadband Services, Inc., d/b/a CenturyLink, a Delaware corporation (hereafter “Franchisee” or “CenturyLink”) has made application to the City to construct, install, maintain, repair and operate a cable television system within the public rights-of-way of the City; and

WHEREAS, CenturyLink represents that it has the legal, technical and financial qualifications to operate in the rights-of-way of the City as a cable television company; and

WHEREAS, based on representations and information provided by CenturyLink, and in response to its request for the grant of a franchise, the City Council has determined that the grant of a nonexclusive franchise, on the terms and conditions herein and subject to applicable law, are consistent with the public interest; and

WHEREAS, City staff and CenturyLink have been working together to negotiate a franchise agreement allowing CenturyLink to provide its new cable service, “Prism TV” to Mercer Island residents; and

WHEREAS, historically, Comcast has been the sole cable operator within the City, and a franchise agreement between the City and CenturyLink would provide Mercer Island residents additional options for cable service; and

WHEREAS, a franchise agreement allows CenturyLink to locate its facilities (either on utility poles or underground) in City rights-of-ways, and as part of the agreement, CenturyLink will pay a 5% franchise fee and other consideration for use of the right-of-way; and

WHEREAS, staff has negotiated a proposed franchise agreement with CenturyLink with terms that comply with federal law and meet the needs and interests of the community; and

WHEREAS, granting CenturyLink a cable franchise will provide much needed competition in the City’s cable market; and

WHEREAS, the City is authorized by applicable law to grant such nonexclusive franchises within the boundaries of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: **Adoption of Mercer Island Franchise Ordinance.** The Mercer Island City Council hereby approves, adopts and directs the City Manager to execute the Franchise Agreement attached hereto as Exhibit A granting to CenturyLink a nonexclusive cable television franchise to install, construct, operate and maintain a cable television system to provide cable television services under such terms and conditions as are set forth in the aforementioned Franchise Agreement.

Section 2: **Severability.** If any section, sentence, clause or phrase of this Ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or its application to any other person, property or circumstance.

Section 3: **Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4: **Effective Date and Publication.** This Ordinance shall be published in the official newspaper of the City, provided that both the City and CenturyLink execute the Franchise Agreement attached hereto as Exhibit A, and shall take effect and be in full force five (5) days after the date of publication. After the Franchise Agreement is executed, this Ordinance shall be published by an approved summary consisting of the title.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the _____ day of _____, 2017, and signed in authentication of its passage.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Allison Spietz, City Clerk

Date of Publication: _____

**CITY OF MERCER ISLAND
CABLE TELEVISION FRANCHISE AGREEMENT**

BY AND BETWEEN

THE CITY OF MERCER ISLAND

AND

QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK

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SECTION 1. NATURE AND TERM OF GRANT

1.1 Grant of Franchise.

- 1.1.1 The City of Mercer Island hereby grants to Qwest Broadband Services, Inc., d/b/a CenturyLink, a Delaware corporation, a Franchise to install, construct, operate and maintain a Cable System to provide Cable Services under such terms and conditions as are set forth in this Franchise.
- 1.1.2 Throughout this Franchise, the City of Mercer Island, Washington shall be referred to as the "City," and Qwest Broadband Services, Inc., d/b/a CenturyLink shall be referred to as the "Grantee."
- 1.1.3 Grantee shall be liable for the obligations of the Grantee under the Franchise and other applicable law governing Grantee's operations in the City and for compliance with the terms and conditions set forth herein.
- 1.1.4 Grantee promises and guarantees, as a condition of exercising the privileges granted by this Franchise, that any Affiliated Entity of the Grantee directly involved in the offering of Cable Service in the Franchise Area, or directly involved in the ownership, management or operation of the Cable System in the Franchise Area, will also comply with the obligations of this Franchise. However, the parties acknowledge that Qwest Corporation ("QC"), an affiliate of Grantee, will be primarily responsible for the construction and installation of the Facilities in the Rights-of-Way that will be utilized by Grantee to provide Cable Services. So long as QC does not provide Cable Service to Subscribers in the City, QC will not be subject to the terms and conditions contained in this Franchise. QC's construction, installation and maintenance of facilities in the Rights-of-Way is governed by applicable law. Grantee is responsible for all provisions in this Franchise related to: 1) its offering of Cable Services in the Franchise Area; and 2) the operation of the Cable System regardless of what entity owns or constructs the Facilities used to provide the Cable Service.

1.2 Duration of Franchise.

The term of this Franchise, and all rights, privileges, obligations, and restrictions pertaining thereto, shall be five (5) years from the Effective Date of this Franchise, unless terminated earlier as provided herein.

1.3 Effective Date.

The Effective Date of this Franchise is the date that the legislation approving this Franchise becomes effective.

1.4 Competitive Equity.

- 1.4.1 This Franchise is not exclusive. Grantee acknowledges and agrees that the City reserves the right to grant one (1) or more additional franchises or other similar lawful authorization to provide Cable Services within the City; provided, however, that no such franchise or similar lawful authorization shall contain material terms or conditions which are substantially more favorable or less burdensome to the competitive entity than the material terms and conditions herein. The parties agree that this provision shall not require a word for word identical franchise or authorization for a competitive entity so long as the regulatory and financial burdens on each entity are generally equivalent taking into account any difference in the number of Subscribers served, the number of PEG Channels and aggregate support provided, the level of fees and taxes imposed, the term of the Franchise, and all other circumstances affecting the relative burdens.
- 1.4.2 Should any non-wireless facilities based entity provide Cable Service within the Franchise Area during the term of this Franchise without a franchise granted by the City, then Grantee shall have all rights which may be available to assert, at Grantee's option, that this Franchise is rendered "commercially impracticable," and invoke the modification procedures set forth in Section 625 of the Cable Act.

1.5 Relationship to Other Laws.

- 1.5.1 Grantee's Franchise is subject to all lawful terms, conditions, and provisions of: (1) this Franchise; (2) the Mercer Island Municipal Code as the same is now or hereafter amended by lawful exercise of the City's police powers pursuant to Subsection 1.5.2 herein; and (3) the Communications Act of 1934, as amended by the Cable Consumer Protection Act of 1984, the Cable Communications Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, as the same is now or hereafter amended.
- 1.5.2 Grantee's rights hereunder are subject to the lawful exercise of the City's police power. Nothing in this Franchise shall preclude or prohibit the City from enacting any ordinance in the interest of public health, safety and welfare, which may impact the Grantee in its operation of the Cable System, as a proper exercise of the City's police power. Grantee acknowledges that the City may modify its regulatory policies by lawful exercise of the City's police powers throughout the term of this Franchise. Grantee reserves all rights it may have to challenge such lawful modifications whether arising in contract or at law. The City reserves all of its rights and defenses to such challenges whether arising in contract or at law.
- 1.5.3 It is the intent of both parties that each party shall enjoy all rights and be subject to all obligations of this Franchise for the entire term of the Franchise and, to the

extent any provisions have continuing effect, after its expiration. However, both parties recognize that the technology of cable television and related technologies are in a state of flux and that regulatory conditions and franchise rights and powers may change drastically during the term of this Franchise. Should such changes occur, the City and Grantee shall negotiate in good faith to amend the Franchise to preserve the rights and obligations of the City and Grantee hereunder to the fullest extent consistent with such changes. The parties agree that the perpetuation of the substantial equivalent of the current statutory and regulatory structure governing cable television is not a condition of this Franchise, or a fundamental assumption that either party is making in entering into it; provided, however, nothing herein shall prevent either the City or the Grantee from asserting that any part or parts of the Franchise are preempted by state or federal law as a result of such changes.

SECTION 2. CITY'S PRINCIPLES AND INTENT

The following provisions are statements of the City's intent in entering into this Franchise, but do not necessarily reflect Grantee's intent and shall not supplant or modify specific provisions of the Franchise:

- 2.1 Ensure that Mercer Island stays at the forefront of technology by keeping the Cable System up to date with features meeting the current and future cable-related needs and interests of the community;
- 2.2 Encourage the widest feasible scope and diversity of Programming and other services to all City residents consistent with community needs and interests;
- 2.3 Encourage competitive, affordable, and equal access to advanced communications services of all kinds to residents of the City of Mercer Island on a non-discriminatory basis;
- 2.4 Ensure that Mercer Island residents have the opportunity to view public, educational, and governmental Programming;
- 2.5 Ensure that rates and charges for cable Programming, equipment, and services provided over the Cable System are affordable and consistent with federal standards;
- 2.6 Ensure that Mercer Island residents receive high quality customer service;
- 2.7 Ensure that the City receives appropriate compensation for the use of its facilities and property and that installation and maintenance of cable Facilities comply with all applicable City regulations, and do not interfere with the City's legitimate use of its own facilities and property;
- 2.8 Encourage competition among Cable Operators and between Cable Operators and other providers of communications services;

- 2.9 Protect the City's interests and the health, safety, and welfare of its residents; and
- 2.10 Provide for timely mandatory Government Access to all Cable Systems in times of civil emergency.

SECTION 3. DEFINITIONS

For the purpose of this Franchise, the following terms, phrases, and their derivations shall have the meanings given below unless the context clearly mandates a different interpretation. Where the context so indicates, the present tense shall imply the future tense, words in plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory. The definitions are applicable regardless of whether the term is capitalized.

- 3.1 “Access” means the right of certain agencies, institutions, organizations, groups and individuals in the community, including the City and its designees, on a non-discriminatory basis, to use the Cable System for specific non-commercial purposes, including the right to acquire Programming, to create Programming free from outside control including that of the Grantee, and to distribute and receive Programming over the Cable System.
- 3.2 “Access Channel” or “PEG Channel” means any Channel or portion of a Channel on a Cable System required by the Franchise to be set aside by the Grantee for public, educational, or governmental use.
- 3.3 “Affiliated Entity” means any enterprise that owns or controls the Grantee, or is owned or controlled by the Grantee, or otherwise has ownership or control in common with the Grantee, including, without limitation, Grantee's Parent Corporations and any subsidiaries or affiliates of such Parent Corporations that meet this definition.
- 3.4 “Basic Service” or “Basic Service Tier” means the lowest priced tier of Cable Service offered by Grantee and includes, at a minimum, all signals of domestic television broadcast stations provided to any Subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the Cable System), any public, educational, and governmental Programming required by the Franchise to be carried on the Basic Service Tier, and any additional Video Programming signals or service added to the Basic Service Tier by the Grantee.
- 3.5 “Cable Operator” means any Person or group of Persons (1) who provides Cable Services over a Cable System and directly or through one or more affiliates owns a significant interest in such Cable System, or (2) who otherwise controls or, through any arrangement, is responsible for the management and operation of such a Cable System.
- 3.6 “Cable Services” means (1) the one-way transmission to Subscribers of (a) Video Programming or (b) other Programming service (i.e., information that the Grantee

makes available to all Subscribers generally), and (2) Subscriber interaction, if any, that is required for the selection or use of such Video Programming or other Programming service.

- 3.7 “Cable System” means a cable system as defined in Title VI of the Federal Communications Act of 1934, 47 U.S.C. § 522(7), as amended, and any implementing regulations.

Unless otherwise specified, references in this Franchise to the Cable System refer to the Cable System utilized by Grantee to provide Cable Services in the Franchise Area.

- 3.8 “Channel” means a portion of the electromagnetic frequency that is used in a Cable System and that is capable of delivering a television channel as defined by the FCC.

- 3.9 “City” means the City of Mercer Island, a municipal corporation of the State of Washington.

- 3.10 “City Council” means the legislative body of the City of Mercer Island.

- 3.11 “Customer Service Representative” or “CSR” means any person employed or contracted by Grantee to assist, or provide service to, Subscribers, whether by answering public telephone lines, responding to email, writing service or installation orders, answering Subscribers' questions, receiving and processing payments, or performing other customer service related tasks.

- 3.12 “Demarcation Point” means the physical point at which the Cable System enters a Subscriber's home or building.

- 3.13 “Designated Access Managers” means the entity or entities designated by the City under Subsection 6.1.

- 3.14 “Document” or “Records” means written or graphic materials, however produced or reproduced, or any other tangible permanent documents, including those maintained by computer or other electronic or digital means, maintained by the Grantee in the ordinary course of conducting its business, including, but not limited to, financial documents that may be required for audit purposes.

- 3.15 “Dominant Cable Operator” means a Cable Operator that occupies the most influential market position in the City as a result of having significantly higher Subscriber levels than other Cable Operators.

- 3.16 “Downstream Channel” means a Channel capable of carrying a transmission from a Headend to other points on a Cable System, including Interconnection points.

- 3.17 “Educational Access” means Access for Schools and other educational institutions and entities.

- 3.18 “Effective Date” means the Effective Date of this Franchise pursuant to Subsection 1.3.
- 3.19 “Facility” means any distribution component of a Cable System.
- 3.20 “FCC” means the Federal Communications Commission.
- 3.21 “Fiber Optic” refers to a transmission medium of optical fiber cable and the electronics, software and equipment that support delivery of Cable Services by means of the optical fiber cable.
- 3.22 “Franchise” means this Franchise Agreement.
- 3.23 “Franchise Area” means the area within the City as specified in Subsection 4.1 hereof within which the Grantee is authorized to provide Cable Services under this Franchise, and any modification thereof.
- 3.24 “Franchise Fee” means consideration paid by the Grantee for the privilege granted under this Franchise for the use of Right-of-Ways and the privilege to construct and/or operate a Cable System in the Franchise Area. The term Franchise Fee does not include:
1. Any tax, fee or assessment of general applicability;
 2. Capital costs which are required by the Franchise to be incurred by the Grantee for Access facilities, including the support required in Section 10;
 3. Requirements or charges incidental to the awarding or enforcing of the Franchise, including but not limited to, payments for bonds, letters of credit, insurance, indemnification, penalties or liquidated damages; or
 4. Any fee imposed under Title 17, United States Code.
- 3.25 “Government Access” means Access for governmental entities or their designees.
- 3.26 “Grantee” means Qwest Broadband Services, Inc., d/b/a CenturyLink, its lawful successors, transferees and assignees.
- 3.27 “Gross Revenues” means all revenue derived directly or indirectly by the Grantee from the operation of the Cable System in the Franchise Area to provide Cable Services, calculated in accordance with generally accepted accounting principles, including but not limited to monthly basic, premium and pay-per-view fees, installation fees, and equipment rental fees. Gross Revenues shall not include (1) Bad Debt, provided, however, that all or part of any such Bad Debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; or (2) any taxes on services furnished by the Grantee which are imposed directly on any Customer by

the State, City or other governmental unit and which are collected by the Grantee on behalf of said governmental unit, including the PEG Fee. In the event any other Cable Operator has a different definition of Gross Revenues in a future franchise agreement, the parties agree to meet to discuss modifications to Gross Revenues for purposes of this agreement.

If a statutory change in State or federal law or a decision of the FCC or a court of competent jurisdiction expands the categories of revenue available to the City for the Franchise Fee assessment beyond those permitted under this definition as of the Effective Date, that change shall automatically be included in the definition of Gross Revenues under this Franchise, provided that the City imposes the same requirement upon any other similarly situated Cable Provider over which the City has jurisdiction and authority to impose such fees.

- 3.28 “Headend” means a facility for signal reception and/or dissemination on the Cable System, including all related equipment, such as cable, antennas and wires, satellite dishes, monitors, switchers, modulators, computers, software, processors for television broadcast signals, equipment for the Interconnection of the Cable System with adjacent cable systems and for Interconnection of any separate networks which are part of the Cable System.
- 3.29 “Initial” or “Initially” means as of the Effective Date of this Franchise.
- 3.30 “Leased Access Channel” means a Channel or portion of a Channel made available by Grantee for Programming by others for a fee.
- 3.31 “Mosaic Channel” means a channel which displays miniaturized media screens and related information for a particular group of channels with common themes. The Mosaic Channel serves as a navigation tool for subscribers, which displays the group of Access Channels on a single channel screen and also provides for easy navigation to a chosen Access Channel in the group.
- 3.32 “Non-Cable Services” means any service that is distributed over the Cable System, other than a Cable Service.
- 3.33 “Normal Business Hours” means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some hours on Saturday.
- 3.34 “Normal Operating Conditions” means service conditions within the control of the Grantee. Those conditions that are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, strikes, works stoppages, and severe or unusual-weather conditions. Those conditions that are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or Upgrade of the Cable System.

- 3.35 “Parent Corporation” means any existing or future corporation, entity, or Person with greater than fifty percent (50%) ownership or control over Grantee.
- 3.36 “PEG Access” means Public Access, Educational Access, and Government Access, jointly or severally.
- 3.37 “Person” means any sole proprietorship, partnership, association, corporation or other form of organization authorized to do business in the State of Washington, and any natural person.
- 3.38 “Programmer” means any Person who prepares, produces or provides Programming that is intended for transmission on a Cable System.
- 3.39 “Programming” means the video, audio, voice, data, multimedia or other material or programs prepared for or capable of transmission on a Cable System, or, as the context requires, the process of causing such material to be created, received, transmitted or distributed on a Cable System.
- 3.40 “Public Access” means Access for the public, including organizations, groups and individuals.
- 3.41 “QC” means Qwest Corporation, d/b/a/ CenturyLink, an Affiliated Entity of the Grantee.
- 3.42 “Qualified Living Unit” means a distinct address in the QC network inventory database, including but not limited to single family homes, Multiple-Dwelling Units, and business locations, that meets the minimum technical qualifications defined by Grantee for provision of Cable Service.
- 3.43 “Right-of-Way” means the surface of and the space alongside, above and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement and road right-of-way now or hereafter held or administered by the City.
- 3.44 “School” means any public educational institution accredited by the State of Washington, including primary and secondary Schools (K-12), and colleges and universities (excluding the dormitories, fraternity and sorority houses of such institutions).
- 3.45 “Service Interruption” means any loss of any element of Programming on any part of the Cable System.
- 3.46 “Subscriber” means any Person who is lawfully receiving, for any purpose or reason, any Cable Service from Grantee whether or not a fee is paid. In the case of multiple office buildings or Multiple- Dwelling Units, the “Subscriber” means the lessee, tenant, or occupant.

- 3.47 “Tier” means Programming Services offered by Grantee to Subscribers as a package.
- 3.48 “Upgrade” means an improvement in any technical aspect of a Cable System.
- 3.49 “Upstream Channel” means a Channel capable of carrying a transmission to a Headend from any other point on a Cable System including Interconnection points.
- 3.50 “Video Programming” means Programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 4. FRANCHISE AREA

4.1 Franchise Area.

- 4.1.1 Grantee shall be authorized to provide Cable Services throughout the entire jurisdictional boundaries of the City, including any areas annexed by the City during the term of this Franchise.
- 4.1.2 Grantee shall maintain accurate maps and improvement plans of its Franchise Area that show the location, size, and a general description of all Cable System facilities it installed in the Rights-of-Way and any of its power supply sources, including voltages and connections.

4.2 Service to Low-income Households.

Within 90 days after the City providing Grantee notice that another Cable Operator offers a needs-based discount in the City pursuant to a franchise agreement, Grantee shall provide a reasonable needs-based discount on Cable Services of not less than the amount provided by other Cable Operators. When applicable, CenturyLink’s discount shall apply to Subscribers that qualify for discounts under the Federal Lifeline program. This Subsection shall not prohibit Grantee from providing a larger discount or offering the discount to other economically or physically challenged Subscribers.

4.3 Prohibition on Discrimination.

Grantee shall not deny Cable Service, or otherwise discriminate against Subscribers or any other Persons on the basis of race, color, religion, age, sex, gender identity, marital or economic status, national origin, sexual orientation, political ideology, creed, ancestry; or the presence of any sensory, mental or physical handicap or any other unlawful basis.

SECTION 5. PROGRAMMING

5.1 Grantee Compliance.

Grantee shall meet or exceed the Programming and Channel capacity requirements set forth in this Franchise.

5.2 Maintenance of Existing Conditions.

5.2.1 Without the written consent of the City and except as otherwise specifically provided in this Franchise, Grantee shall not delete, or so limit as to effectively delete, any broad category of Programming identified in Subsection 5.3 carried on the Cable System as of the Effective Date of this Franchise.

5.2.2 In the event of a modification proceeding under federal law, the mix and quality of services provided by the Grantee on the Effective Date of this Franchise shall be deemed the mix and quality of services required under this Franchise throughout its term.

5.3 Expanded Programming and Channel Capacity.

Grantee shall provide:

5.3.1 A minimum of 150 Downstream Channels.

5.3.2 In addition to Programming provided on PEG Channels and local off-air broadcast Channels, if any, Grantee shall provide the following broad categories of Programming:

1. Education
2. News & information
3. Sports
4. Cultural and performing arts
5. Government affairs
6. Weather
7. Foreign language
8. Programming addressed to the City's diverse ethnic and minority interest
9. Audio Programming
10. Business news
11. General entertainment (including but not limited to movies)
12. Children's Programming

13. Family Programming

14. Science/documentary

The requirements for each category of Programming may be satisfied by providing a separate Channel devoted substantially to the category or by Programming from more than one Channel which in the aggregate totals the equivalent of a Channel devoted substantially to the category.

5.4 Deletion or Reduction of Programming Categories.

Grantee shall not delete or so limit as to effectively delete any broad category of Programming within its control for any group of Subscribers without the City's consent, which shall not be unreasonably withheld, and shall provide at least thirty (30) days prior written notice to the City of Grantee's request to do so, including all proposed changes in bandwidth or Channel allocation, and any assignments including any new equipment requirements that may occur as a result of these changes.

5.5 Obscenity.

Grantee shall not transmit, or permit to be transmitted, over any Channel any Programming which is obscene in the sense that such Programming is not protected speech under the Constitution of the United States. The Grantee shall comply with all relevant provisions of federal law relating to obscenity. The City acknowledges that Grantee has no editorial control over Programming carried on PEG Channels.

5.6 Parental Control Device.

Upon request by any Subscriber, Grantee shall make available at Grantee's actual cost a parental control or lockout device compatible with the Subscriber's equipment that will enable the Subscriber to block access to any or all Channels. Grantee shall inform its Subscribers of the availability of the lockout device at the time of the original subscription and annually thereafter, and if requested by the Subscriber, shall provide the device at the time of the original installation.

5.7 Leased Access Channels.

Leased Access Channels shall be provided in accordance with federal law.

SECTION 6. PUBLIC, EDUCATIONAL AND GOVERNMENT ACCESS

6.1 Designated Access Managers.

- 6.1.1 The City shall name Designated Access Managers for Public, Education, and Governmental Access Programming. Designated Access Managers shall have sole responsibility for operating and managing their respective Access Facilities.

6.1.2 Grantee shall cooperate with Designated Access Managers and providers and facilitate their use of the Cable System and Programming of PEG Access Channels. Grantee shall enter into such operating agreements with Designated Access Managers as are appropriate to meet PEG Access requirements of this Franchise.

6.2 PEG Channel Capacity.

6.2.1 System Capacity. During the term of this Franchise the Grantee's Cable System shall be capable of providing a minimum of 150 channels of video programming to its customers in the Franchise Area.

6.2.2 Access Channel. Within 180 days of the Effective Date, or other mutually agreed to date, the Grantee shall provide one (1) Access Channel, for use by the City for governmental or educational programming. Access to other regional programming will be done through the use of existing available public access mosaics. Additional Access Channels shall be made available upon six (6) months written notice and when the following criteria are met:

1. The City has made a determination, after notice and opportunity for public comment, that an additional dedicated Access Channel is required to meet more fully such community needs and interests.
2. The existing Access Channel provided under this Franchise is in use and programmed with Access programming during at least eighty percent (80%) of the time during any consecutive twelve (12) hour period for ten (10) consecutive weeks.
3. At least one-third (1/3) of the Access programming presented during such ten (10) week period is produced within or related directly to the City.
4. Not more than one-third (1/3) of the aggregate hours of Access programming is repeat programming.

After one hundred and eighty (180) days of operation of a triggered Access Channel, and upon thirty (30) days written notice, the Grantee may make use of the triggered Access Channel for its own purposes if said channel no longer fits the above criteria for a period of ten (10) consecutive weeks. Upon one hundred and eighty (180) days' notice, the City may reclaim use of such channel(s) for transmission of Access programming which cannot be accommodated on other channels then in use for Access programming. Grantee shall never be required to provide more Access Channels than any other cable provider in the City. All of the Access Channels may be made available

through a multi-channel display (i.e., a picture in picture feed) on a single TV screen called a "mosaic," where a cable customer can access via an interactive video menu one of any required Access Channel. The location of the mosaic and Access Channels will be determined through mutual discussion of the parties and must be on an available channel.

6.2.3 Support for Access Capital Costs. In an effort to meet the demonstrated community need for Access Programming, and upon ninety (90) days' written notice by City after imposing such a charge on the Dominant Cable Operator, Grantee shall collect from Subscribers an amount as set by the City periodically throughout the term of this Franchise not to exceed one dollar (\$1.00) per Subscriber per month ("PEG Fee"). The PEG Fee may be used for Access related capital expenditures, such as production equipment and/or a studio. Upon ninety (90) days' notice, the PEG Fee may be adjusted or waived by the City not more than once per year. Grantee shall remit the PEG Fee at the same time as quarterly Franchise Fee payments hereunder are payable. Grantee shall not be responsible for paying the PEG Fees with respect to gratis or Bad Debt accounts. The City can inquire as to the status of any such account, and Grantee agrees to meet with the City, upon request, to discuss such matters as necessary. Grantee's PEG Fee shall never be more than the PEG Fee collected on a per Subscriber per month basis by any other provider in the City. The City and Grantee agree that any PEG Fees shall be referred to on Subscribers' bills as a "PEG Fee," or language substantially similar thereto.

6.2.4 The PEG Fees provided for in this section shall not be offset or credited against any Franchise Fee payments, but are not considered Gross Revenues for purposes of the Franchise Fee.

6.3 Changes in Technology.

In the event any change is made in the Cable System and related equipment and Facilities or in the signal delivery technology of Grantee's Cable Services that directly or indirectly materially degrades the signal quality or transmission of PEG Access Programming, Grantee shall at its sole expense and free of charge to the City take necessary steps or provide necessary technical assistance, including, but not limited to, the acquisition of all necessary equipment, to ensure that the capabilities of the Designated Access Managers, PEG Access Programmers, or Programming offerings (quality of Channel or video) are restored.

6.4 Technical Quality.

Grantee shall maintain all PEG Channels at the same level of technical quality and reliability as the best commercial channels carried on the Cable System. Grantee shall provide routine maintenance and shall repair and replace all transmission equipment, including transmitters/receivers, associated cable and equipment in use upon the Effective Date of this Franchise, necessary to carry a quality signal to and from the Demarcation Point at City's or Designated Access Manager's facilities.

- 6.4.1 PEG Channel Signal Quality. Grantee shall deliver to Subscribers PEG Channel Programming contemporaneously with its delivery to Grantee by Designated Access Managers, without change in its content or format such as standard digital or HDTV or successor formats, from that provided by Designated Access Managers. Unless otherwise approved by the City or a Designated Access Manager, Grantee will not alter any PEG signal to either improve or degrade the PEG signal or alter, fail to retransmit or remove any formatting or coding information or data associated with any such signal, such as information associated with stereo closed captioned or digital transmissions.
- 6.4.2 Grantee shall provide all current and future activated downstream Channels for PEG Access use in a standard digital (SD) or high definition (HD), to the extent the City provides it to Grantee in HD, or successor format in Grantee's Basic Service level as specified herein. Grantee shall carry all components of the SD or HD Access Channel signals provided by the Designated Access Managers including, but not limited to, closed captioning, stereo audio and other elements associated with the Programming. The Designated Access Manager shall be responsible for providing the Access Channel signal in a SD or HD or successor format (as specified herein) to the Demarcation Point at the designated point of origination for the Access Channel. Grantee shall be responsible for costs associated with the transport and distribution of the Access Channel on its side of the Demarcation Point.
- 6.4.3 Grantee shall permit City to include the basic PEG Channel information in any electronic/interactive program guide. Grantee shall bear the costs to include the basic information in the programming guide for the PEG Channels, free of charge and at no cost to the City. The City shall have the right to pay for more enhanced program information to be made available on the programming guides including the Channel name and logo/icon, program titles scheduled in thirty (30) minute time blocks, program descriptions, information needed for search & record features, and any other information similarly provided for other broadcast channels and commercial cable/satellite Channels.
- 6.4.4 Grantee will ensure construction of Fiber Optic links to the PEG locations designated as of the Effective Date or mutually agreed upon between the City and Grantee for two-way origination and return capacity permitting transmission of originated program material between the Headend and specified facilities located within the City.
- 6.5 Complimentary Service.
- 6.5.1 Service to School Buildings. Upon request, the Grantee shall provide the "Basic" tier of Cable Service and one set top box without charge and free installation of the first outlet to each accredited K-12 public school located in the Franchise Area provided that such schools are designated as Qualified Living Units and no

other Cable Operator is providing Cable Services at such location.

6.5.2 Service to Government Facilities. Upon request, the Grantee shall provide the “Basic” tier of Cable Service and one set top box without charge and free installation of the first outlet to each municipal building located in the Franchise Area that is a Qualified Living Unit. Additional outlets may be installed by Grantee at the normal non-discriminatory commercial rate and any services in addition to the “Basic” services may be billed for on a monthly basis at the normal commercial rate as determined by the Grantee’s commercial accounts guidelines, provided that the municipal buildings are designated as Qualified Living Units and no other Cable Operator is providing Cable Services at such location. “Municipal buildings” are those buildings owned or leased and occupied by the City where Cable Service is currently provided and those buildings owned or leased and occupied by the City for government administrative purposes, including without limitation those listed in Exhibit A to this Franchise but not including those buildings owned by the City but leased to third parties at which government employees are not regularly stationed. In instances wherein the City is leasing and occupying the building, the City shall be responsible for acquiring any necessary right of entry agreement and paying any associated fees that may be required by the building’s owner.

6.6 Access Channel Viewership Information.

6.6.1 Survey Data. Grantee will share with the City any data it obtains in its normal course of business about PEG Channel viewership and demographics.

6.6.2 Ratings. Grantee shall promptly provide copies of any ratings information it obtains on a regular basis in its normal course of business from a third party concerning viewership of PEG Channels to the City (for Cable Services provided on any Governmental or Educational Channel) and to the Designated Public Access Manager (for Cable Services provided on any Public Access Channel); provided, however, that with respect to any such ratings, Grantee shall redact any personally identifiable information prior to providing such information to the City or PEG providers as applicable. The preceding sentence shall not apply to any information Grantee receives from an ascertainment it has commissioned in connection, with the renewal of the Franchise or to any information Grantee generates on its own in connection with such renewal.

6.7 PEG Information for Subscribers.

6.7.1 Grantee shall include information about Public, Educational and Governmental Access Programming and activities in materials provided to Subscribers at the time of Cable Service installation. The Grantee shall include appropriate designation of the PEG Channel.

- 6.7.2 Cost Treatment of PEG Costs. Any and all payments and costs of services provided by Grantee to City in support of PEG Access Programming and other commitments shall not be deemed "Franchise Fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. § 542). Any PEG Access support fees (the "PEG Fee") required by this Franchise are intended to conform to the provisions of Section 611 of the Cable Communications Policy Act of 1984, and further are intended to be payments of the type described in Section 622(g) (2) (B) and (C) of said Act, and not to be or to constitute Franchise Fees.

SECTION 7. GENERAL CABLE SYSTEM REQUIREMENTS

7.1 Baseline Cable System Characteristics and Functionality.

The Cable System shall, at all times during the Franchise term, meet or exceed the following requirements:

7.1.1 Industry-accepted Equipment.

1. The Cable System shall use equipment generally used in high-quality, reliable, modern systems of similar design, including, but not limited to, backup power supplies rated at a minimum of twenty-four (24) hours at the Headend and Central Offices.
2. In addition, the Cable System's electronics shall be capable of passing through the signals received at the Headend without substantial alteration or deterioration.
3. The Facilities and equipment on the Cable System must be able to deliver high quality signals that meet or exceed applicable FCC technical quality standards, including but not limited to those set forth in 47 C.F.R. § 76.601, regardless of the particular manner in which the signal is transmitted.
4. Grantee shall comply with all applicable laws and regulations concerning Cable System compatibility with Subscribers' television receivers and/or recording devices.

- 7.1.2 Cable System Functionality. The Cable System shall have a bandwidth capable of providing the equivalent of a typical 750 MHz Cable System. Recognizing that the City has limited authority under federal law to designate the technical method by which Grantee provides Cable Service, as of the Effective Date of this Franchise, Grantee provides its Cable Service utilizing two different methods. First, using a PON platform, the Grantee provides Cable Service to some Qualified Living Units by connecting fiber directly to the household ("FTTP"). Second, the Grantee provides Cable Service to some Qualified Living Units by deploying fiber further into the neighborhoods and using the existing copper infrastructure to increase broadband speeds ("FTTN").

Generally speaking, when Grantee deploys FTTN, households located within 4,000 cable feet of a remote terminal shall receive broadband speeds capable of providing Cable Service. In both the FTTP and FTTN footprint, a household receiving a minimum of 25Mbps shall be capable of receiving Cable Service after Grantee performs certain network grooming and conditioning. Grantee shall determine in its discretion where to upgrade its network to convert these households to Qualified Living Units.

- 7.1.3 FCC Compliance. Grantee shall comply with all applicable FCC regulations regarding scrambling or other encryption of signals.
- 7.1.4 No Deterioration to Access Signals. The Cable System shall be so constructed and operated that there is no significant deterioration in the quality of PEG Access Channels or leased access signals, either Upstream or Downstream, as compared with any other Channels on the Cable System; however, Grantee shall not be required to alter a PEG Access Channel or leased access signal if the Channel or signal received by Grantee is of poor quality. Deterioration refers to any signal problem, including, but not limited to, ghost images and other interference and distortions.
- 7.1.5 Parental Control. Grantee shall ensure that means are available to enable Subscribers to completely block out audio and video on any undesired Channels on the Cable System.
- 7.1.6 Program Security. The Cable System shall include equipment so that any pay-per-view Programming can only be activated by the positive action of a Subscriber using, for example, a private identification number or other individual selection procedure.
- 7.1.7 Service to Persons with Disabilities. The Cable System shall transmit closed captions for all Programming that includes a closed caption signal. In addition, Grantee must have means available, and a publicly listed telephone number for such means, that will allow hearing- or speech-impaired persons to contact the Grantee.
- 7.1.8 Quality of Service. Grantee agrees to provide Cable Service at a level consistent with current applicable FCC standards.
- 7.1.9 Service Connections. Grantee shall provide Cable Services upon request from any person in the City who resides in a Qualified Living Unit within seven (7) business days. A request shall be deemed placed on the date of signing a service agreement, receipt of funds by Grantee, or receipt by Grantee of a verified verbal or written request. Rates and charges may not exceed the Grantee's published rates.

7.1.10 Emergency Alert System. At all times during the term of this Franchise, Grantee shall provide and maintain an Emergency Alert System (“EAS”), consistent with applicable federal law and regulations including 47 C.F.R., Part 11, and any Washington State Emergency Alert System Plan requirements. The EAS shall allow authorized officials to override the audio and video signals on all Channels to transmit and report emergency information. In the case of any sudden, unforeseen event that has the potential to cause significant damage, destruction, or loss of life, Grantee shall make the EAS available without charge and in a manner consistent with the Washington State Emergency Alert System Plan (“Plan”) for the duration of such sudden, unforeseen event. Grantee shall cooperate with designated state officials to test the emergency override system, for periods not to exceed one minute in duration and not more than once every six months, and upon request by the City, provide verification of compliance with Washington State’s Plan. The City may identify authorized emergency officials for activating Grantee’s EAS consistent with the State’s Plan, and the City may also develop a local plan containing methods of EAS message distribution, subject to applicable laws.

SECTION 8. TECHNICAL OPERATION AND MAINTENANCE STANDARDS AND REQUIREMENTS

8.1 Technical and Safety Standards.

Grantee will maintain the Cable System using applicable City codes and the following safety codes and construction standards:

1. NEC – the National Electrical Code;
2. NESC – the National Electrical Safety Code;
3. OSHA – the Occupational Safety and Health Act; and
4. WISHA – the Washington Industrial Safety and Health Act.

Nothing herein shall preclude Grantee from raising any and all defenses it may have under applicable codes.

8.2 Network Monitoring and Repair.

Grantee shall monitor all power supplies and fiber nodes, utilizing the latest in status monitoring techniques and will initiate repairs within a twenty-four (24) hour time period as required by applicable FCC rules and regulations.

8.3 Component and Cable System Tests, Records and Test Points.

Grantee will initially test all active components before installation into the Cable System. Initial proof-of-performance will meet or exceed the minimum requirements set forth in FCC Rules and Regulations Part 76, subpart K, "Technical Standards," as applicable.

8.4 Routine Maintenance and Performance Testing.

Grantee will maintain the Cable System by providing routine maintenance and performance testing to meet the requirements of FCC Rules and Regulations Part 76, including bi-annual proof of performance tests, as applicable.

8.5 Spare Parts.

Grantee shall have immediately available a sufficient supply of spare parts to effect repairs in accordance with the requirements of this Franchise.

8.6 Testing Notification.

Grantee shall notify the City in advance of testing for compliance with applicable FCC signal standards. The City may have a representative present to observe such tests and may designate one location to be tested. Grantee shall provide the City with a report of testing for compliance with applicable FCC standards in accordance with Section 16 and upon request (but not more than twice a year). Such report shall state, in pertinent part, that the Cable System is in full compliance with FCC rules and regulations or, in the alternative, set forth with specificity and in detail all areas of non-compliance their actual or likely scope and causes, and a plan for instituting corrective measures to immediately and permanently correct the non-compliance.

8.7 NESC Records.

Grantee shall provide, consistent with Subsection 16.1, any Records that may be required by the NESC rules which apply to the construction and maintenance of the Cable System in the City.

SECTION 9. SUBSCRIBER RELATIONS AND COMPLAINT PROCEDURE

9.1 Office Hours and Telephone Availability.

9.1.1 The Grantee shall maintain a local or toll free telephone Subscriber service access line which will be available to its Subscribers twenty-four (24) hours a day, seven (7) days a week.

9.1.2 Trained company representatives shall be available to respond to Subscriber telephone inquiries during Normal Business Hours. Grantee shall have dispatchers and technicians on call twenty-four (24) hours a day, seven (7) days a week, including legal holidays, for emergency purposes.

- 9.1.3 After Normal Business Hours, the Subscriber service access line may be answered by an IVR (interactive voice response). A qualified Grantee representative shall respond on the next business day to inquiries received after Normal Business Hours.
- 9.1.4 Under Normal Operating Conditions, telephone answer time, including wait time, shall not exceed thirty (30) seconds. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. This standard shall be met no less than eighty percent (80%) of the time under Normal Operating Conditions, as measured on a quarterly basis.
- 9.1.5 The total number of calls receiving busy signals shall not exceed three percent (3%) of the total telephone calls. This standard shall be met no less than ninety percent (90%) of the time, measured on a quarterly basis, under Normal Operating Conditions.
- 9.2 Quarterly Reports.
- 9.2.1 Beginning twelve (12) months after the Effective Date, Grantee shall report its compliance with this section on a quarterly basis within thirty (30) days of the end of the quarter.
- 9.2.2 All data in the report shall reflect activity within an area that reasonably approximates the jurisdictional boundaries of King County, including the City.
- 9.2.3 To measure the Grantee's compliance with standards related to customer telephone response times, the report shall include, at a minimum, the following information from the Grantee:
1. The total number of calls offered to Grantee;
 2. The number of calls handled by the Grantee's IVR within 30 seconds;
 3. The total number of calls during which a customer requested, in any fashion, to speak with a CSR;
 4. The total number of calls transferred to a CSR;
 5. The total number of calls transferred to a CSR that were answered within 30 seconds; and
 6. The average wait time before a call to a CSR was answered.

9.2.4 Grantee shall permit the City to review and audit the information required under this section at any time during Normal Business Hours upon reasonable notice.

9.3 Installations and Subscriber Service Calls.

9.3.1 Under Normal Operating Conditions, each of the following standards shall be met no less than ninety-five percent (95%) of the time measured on a quarterly basis.

9.3.2 Standard Installations for Qualified Living Units shall be performed within seven (7) business days after an order has been placed, unless otherwise requested by Subscriber.

9.3.3 The “appointment window” alternatives for installations, service calls, and other activities shall be, at maximum, within a four (4) hour block during Normal Business Hours. Subscribers requesting installation of Cable Service or repair service to an existing installation may choose any available four (4) hour block of time during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the Subscriber.

9.3.4 Grantee may not cancel an appointment with a Subscriber after 5 p.m. on the day before the appointment. If the cable installer or technician is running late and will not meet the specified appointment time, he or she must contact the customer and reschedule the appointment at a time which is convenient for the Subscriber.

Grantee shall be deemed to have responded to a request for service if a technician arrives within the agreed-upon time period. If the Subscriber is absent when the technician arrives, the technician shall verify the appointment with the technician’s dispatcher by telephone while at the Subscriber’s door and leave written notification of timely arrival. Grantee shall keep a record of the notification. In such circumstances, the Subscriber must contact Grantee to reschedule the appointment.

9.3.5 If a representative of the Grantee will not be able to keep an appointment, the Grantee shall contact the Subscriber before the end of the scheduled appointment and reschedule the appointment at a time convenient for the Subscriber.

9.4 Outages and Other Service Interruptions.

9.4.1 An outage is a Service Interruption that involves a loss or substantial impairment in reception on all Channels for a period of one hour or more.

9.4.2 Excluding conditions beyond the control of the Grantee, the Grantee will begin working on Service Interruptions promptly and in no event later than 24 hours

after the interruption becomes known. The Grantee must begin actions to correct other service problems the next business day after notification of the service problem.

9.5 TV Reception.

9.5.1 The signal quality provided by Grantee shall meet or exceed applicable technical standards established by the FCC. Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible.

9.5.2 If a Subscriber experiences poor signal quality or reception, Grantee shall respond and make efforts to repair the problem no later than the next business day following the Subscriber call; provided that the Subscriber is available and the repair can be made within the allotted time. If an appointment is necessary, the Subscriber may choose a four-hour block of time during Normal Business Hours. At the Subscriber's request, the Grantee shall repair the problem at a later time convenient to the Subscriber.

9.6 Communications between Grantee and Information to Subscribers.

9.6.1 Customer Information. Upon installation, annually, and at any time a Subscriber requests, Grantee shall provide the following information to its Subscribers in a clear, concise written form. In addition, Grantee shall notify Subscribers thirty (30) days in advance of any significant changes in the following, to the extent such changes are under the control of Grantee or an Affiliated Entity:

1. Products and services offered;
2. Prices and options for programming services and conditions of subscription to programming and other services;
3. Installation and service maintenance policies;
4. Instructions on how to use the Cable Service;
5. Channel positions of programming carried on the system; and
6. Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

9.6.2 Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by the cable system operator, including the address of the responsible officer of the local franchising authority.

- 9.6.3 Grantee shall provide Subscribers with notification and announcements on the Cable System, of any changes in Programming, services, or Channel positions as soon as possible, but no less than thirty (30) days in advance of such changes if the change is within the control of the Grantee. Subscribers shall be given a description of the changes, their options for changing services they receive, the phone number for questions, and the effective date of the change.
- 9.6.4 All of Grantee's officers, agents, employees, contractors, and subcontractors who are in personal contact with Subscribers shall have visible identification cards bearing their name and photograph. Grantee shall account for all identification cards at all times. Every vehicle of the Grantee used for providing services to customers shall be clearly visually identified to the public as working for Grantee. All CSRs shall identify themselves orally to callers immediately following the greeting during each telephone contact with the public. Officers, agents, and employees of the Grantee and its contractors and subcontractors shall identify themselves to the customer when making a service call or installation.
- 9.6.5 All promotional materials advertising Cable Services shall accurately disclose price terms. For non-automated orders, the CSRs shall make clear the price of pay-per-view and pay-per-event Programming before an order is taken.
- 9.6.6 Grantee shall not charge customers for any services they have not affirmatively requested. This section shall not prevent Grantee from adding Programming to an existing Tier.
- 9.7 Billing, Credits, Refunds, and Deposits.
- 9.7.1 Grantee will send Subscribers a clear and concise bill every month. Bills may be fully itemized to the extent allowed by law and this Franchise, provided that all bills shall clearly reflect only a single total amount due. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. Franchise Fees, costs and taxes shall be itemized in a manner that accurately and fairly portrays the basis, for the taxes and fees.
- 9.7.2 Grantee shall provide a due date on each bill that is at least thirty (30) days from the beginning date of the applicable billing cycle. A monthly bill shall be issued to all Subscribers regardless of balance due, other than Subscribers receiving complimentary service.
- 9.7.3 Thirty (30) days advance written notice must be given to Subscribers of any changes in rates, if the change is within the control of the Cable Operator.
- 9.7.4 Credits for service must be issued no later than the Subscriber's next billing cycle following the determination that a credit is warranted.

9.7.5 Refund checks shall be issued promptly and no later than the Subscriber's next billing cycle or thirty (30) days, whichever is earlier, or upon the return of equipment when service is terminated.

9.8 Subscriber Rights.

9.8.1 Discrimination Prohibited. Grantee shall comply at all times with all applicable laws, rules, and regulations including the terms of the Franchise relating to non-discrimination.

1. All Grantee rates and charges shall be published and non-discriminatory. Except as provided hereunder, Grantee shall establish similar rates and charges for all Subscribers receiving similar services, regardless of type of Dwelling Unit, race, color, religion, age, sex, gender identity, marital or economic status, national origin, sexual orientation, political ideology, creed, ancestry; or the presence of any sensory, mental or physical handicap. Nothing in this Subsection shall be construed to prohibit the temporary reduction or waiving of rates and charges in conjunction with promotional campaigns or discounted rates for provision of Cable Services to Multiple- Dwelling Unit buildings.
2. Grantee shall not deny Cable Service, or otherwise discriminate against Subscribers, Access Programmers or any other Persons on the basis of type of Dwelling Unit, race, color, religion, age, sex, gender identity, marital or economic status, national origin, sexual orientation, political ideology, creed, ancestry; or the presence of any sensory, mental or physical handicap.
3. The Grantee shall not take any retaliatory action against a Subscriber because of the Subscriber's exercise of any right it may have under federal, state, or local law, nor may the Grantee require a Subscriber to waive such rights as a condition of service.

9.8.2 Privacy. Grantee shall comply with the Subscriber privacy regulations set forth in 47 U.S.C. § 551 and any lawful state or local laws pertaining to privacy.

9.8.3 Services to People with Disabilities.

9.8.3.1 Within ninety (90) days after the City providing notice to Grantee that another Cable Operator has a similar provision in its franchise agreement, Grantee shall for any Subscriber with a verified disability that prevents the Subscriber from self-installing equipment, at no charge deliver, install, and pick up equipment at the Subscriber's home. In the case of malfunctioning equipment, Grantee shall provide and install

substitute equipment, ensure that it is working properly, and remove the defective equipment.

9.8.3.2 Grantee shall provide TDD/TTY service with trained operators who can provide every type of assistance rendered by the Grantee's CSR for any hearing-impaired Subscriber at no charge.

9.8.3.3 Grantee shall install, at no charge, any closed captioning device purchased by a hearing-impaired customer.

9.8.3.4 Grantee shall provide free use of a converter remote control unit to mobility-impaired Subscribers.

9.8.3.5 Any Subscriber with a disability may request the special services and equipment described in this section by providing Grantee with a letter from the Subscriber's physician stating the need, or by making the request to Grantee's installer or service technician, if the need for the special services can be visually confirmed.

9.8.4 Permission of Property Owner or Tenant for Installation, and Treatment of Property Owner's Property.

9.8.4.1 If cable passes over or under private or publicly owned property, Grantee is solely responsible for obtaining all necessary permission from the property owner.

9.8.4.2 Grantee shall not install or attach any of its facilities to any property without first securing the written permission of the owner or tenant of any property involved, or of such other person who has the right to approve or disapprove the attachment (authorized party), except if there is an existing utility easement. If such permission or easement is later revoked, Grantee at the request of the authorized party shall promptly remove any of its facilities and promptly restore the property to its original condition at Grantee's expense. Grantee shall perform all such installations and removals in compliance with state and local law and shall be responsible for any damage to residences or other property caused by the installation or the removal. In the event Grantee fails to perform such restoration, the authorized party has the right to do so at the sole expense of Grantee. Demand for payment for such restoration must be submitted by the authorized party in writing to Grantee.

9.8.4.3 Provision of Cable Services may not be conditioned on any right of entry agreement that requires an exclusive, long-term service commitment. However, the preceding sentence does not affect Grantee's right to furnish additional consideration in exchange for a right of entry agreement.

9.8.4.4 Trees, shrubs, and other landscaping on a Subscriber's property that are damaged by Grantee, or any employee or authorized agent, during installation or construction for the Subscriber or in the process of serving adjacent structures, shall be restored to their prior condition or replaced. Trees and shrubs shall not be removed without the prior permission of the owner of the property on which they are located.

9.8.4.5 Grantee shall, at its own cost and expense, and in a manner approved by the property owner and the City, restore any property to as good condition as before the work causing such disturbance was initiated. Grantee shall repair or replace any damaged property, or compensate property owners for damage resulting from Grantee's installation, construction, service, or repair activities for a Subscriber.

9.8.4.6 Except in the case of an emergency involving public safety or Service Interruption to a large number of Subscribers, or where Grantee has a legal right of access or entry, Grantee shall give reasonable notice to property owners or legal tenants before entering upon their private property, and the notice shall specify the work to be performed. In the case of construction operations, such notice shall be delivered or provided at least twenty-four (24) hours before entry. In the case of an emergency, Grantee shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made. Nothing in this section authorizes access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law. If damage is caused by Grantee's activity, Grantee shall reimburse the property owner one hundred percent (100%) of the cost of repairing the damage or replacing the damaged property. For the installation of pedestals or other major construction or installation projects by Grantee, property owners shall also be notified by mail or door hanger notice at least one (1) week in advance.

9.8.4.7 Grantee shall clean all areas surrounding any work site of debris caused by Grantee's activities and ensure that all materials are disposed of properly.

SECTION 10. COMPENSATION AND AUDITING

10.1 Amount of Compensation.

In consideration of permission to use the Rights-of-Way of the City, the Grantee shall pay annually as a Franchise Fee to the City, throughout the duration of this Franchise, an amount of five percent (5%) of Grantee's Gross Revenues. If during the term of this Franchise, the FCC, federal or state government, or the courts effectively permit the City to impose a Franchise Fee greater than five percent (5%), the City shall have the right to increase the Franchise Fee to

take full advantage thereof. Any change in Franchise Fee percentage shall be imposed on all similarly situated multichannel video providers over which the City has jurisdiction and authority to impose such fees.

10.2 Effect of Additional Commitments on Franchise Fees.

Except as specifically provided in this Franchise or permitted by federal or state law, no term or condition in this Franchise shall in any way modify or affect the Grantee's obligation to pay the Franchise Fee. Although the total sum of Franchise Fee payments and additional financial and other obligations of this Franchise may exceed five percent (5%) of Grantee's Gross Revenues in any twelve (12) month period, Grantee agrees that the sole Franchise Fee provided for in this Franchise is the Franchise Fee called for in Subsection 10.1 and that no other obligation of Grantee under this Franchise constitutes a Franchise Fee, nor shall any such obligations be offset or credited against any Franchise Fee payments due to the City, except as specifically provided by this Franchise, other City Ordinance, or federal or state law.

10.3 Payment of Franchise Fees on Bundled Services.

10.3.1 In the event Grantee bundles or combines Cable Services (which are subject to the Franchise Fee) with Non-Cable Services (which are not subject to the Franchise Fee) so that Subscribers pay a single fee for more than one class of service resulting in a discount on Cable Services, Grantee agrees that for the purpose of calculation of the Franchise Fee, it shall allocate to Service revenue no less than a pro rata share of the revenue received for the bundled or combined services or some other methodology provided that any such other methodology does not result in an allocation less than a pro rata share of the Service revenue received for the bundled or combined services. The pro rata share shall be computed on the basis of the published charge for each service in the bundled or combined classes of services when purchased separately.

10.3.2 This Subsection is not intended to apply to reduction in Franchise Fees that result from other causes such as changes in the law, Subscriber losses, Subscriber service downgrades, Force Majeure, or short-term promotional activities (e.g., premium channel discounts or sales).

The City shall have the right to audit Records regarding the allocation of revenues derived from bundles involving Cable Services and Non-Cable Services. Upon the City's request, Grantee will meet with the City or a designated City representative following reasonable advanced notification to explain the methodology Grantee is using to allocate revenues generated from bundled services. If the City reasonably believes Grantee is allocating bundled revenues contrary to the provisions of this Subsection 10.3, the City may submit the matter to a third party for mediation. The cost of the mediation shall be shared equally between the City and the Grantee. Participation in mediation shall not prejudice the right of either party to bring the matter to

a court of competent jurisdiction or pursue any other remedies available to them in this Franchise or by law.

10.4 Payments and Quarterly Reports.

10.4.1 Payments. Grantee's Franchise Fee payments to the City shall be computed quarterly following the Effective Date of this Franchise. Each payment shall be due and payable at the same time as the Utility Business and Occupation Tax payment for the same period.

10.4.2 Quarterly Reports. Each payment shall be accompanied by a written report to the City, verified by an officer of Grantee or his or her authorized designee, containing an accurate statement in summarized form, as well as in detail, of Grantee's Gross Revenues and the computation of the payment amount. Such reports shall be in form and substance satisfactory to the City and shall include revenue by product category.

10.5 Interest on Late Payments.

Within ninety (90) days after the City providing notice to Grantee that another Cable Operator has a similar provision in its franchise agreement, payments not received within forty-five (45) days from the quarter ending date shall be assessed interest compounded at the rate of one percent (1%) per month from the due date or the highest rate allowed by law, whichever is greater, but not to exceed eighteen percent (18%) in any event.

10.6 Acceptance of Payment and Recomputation.

No acceptance of any payment shall be construed as an accord by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable or any other claim or right. All amounts paid shall be subject to audit and recomputation by the City, provided that such audit and recomputation is completed within six (6) years of the date payment was due. If the City requests in writing that the Grantee provide, or cause to be provided, any information reasonably within the scope of the audit, and the Grantee fails within thirty (30) days of receipt of the request to provide such information or cause it to be provided, then the six (6) year period shall be extended by one day for each day or part thereof beyond thirty (30) days that such failure continues..

10.7 Audits.

10.7.1 The City reserves the right to conduct audits relating to matters arising under this Franchise or to retain an independent Certified Public Accountant to conduct such audits. In the event an audit results in a determination that Grantee has underpaid any Franchise Fee arising under this Franchise by five percent (5%) or more, or materially misstated financial information in any report furnished to the City, Grantee shall reimburse the City for the costs of the audit, such cost not to exceed five thousand dollars (\$5,000).

10.7.2 Grantee shall pay to the City any amounts any audit indicates are owed following an independent review of such audit.

10.8 No Offset or Credit against Franchise Fees.

The City and Grantee agree that any utility tax, business and occupation tax or similar tax shall be in addition to any Franchise Fees required herein and there shall be no offset or credit against Franchise Fees for any utility tax, business and occupation tax or similar tax, subject to applicable law.

SECTION 11. INDEMNIFICATION, INSURANCE, BONDS AND SECURITY FUND.

11.1 Indemnification.

The Grantee shall indemnify, defend and hold harmless the City, its officers, employees, and agents from and against any liability or claims resulting from property damage or bodily injury (including without limitation accidental death, copyright, infringement, defamation and all other damages) that arise out of the Grantee's construction, operation, maintenance or removal of the Cable System, including, but not limited to, reasonable attorneys' fees and costs. If a claim or action arises, the City or any other indemnified party shall tender the defense of the claim or action to the Grantee, which defense shall be at the Grantee's expense. The City may participate in the defense of a claim and, in any event, the Grantee may not agree to any settlement of claims financially affecting the City without the City's written approval, which shall not be unreasonably withheld. The City shall give the Grantee timely written notice of any claim or of the commencement of any action, suit or other proceeding covered by this Section. If separate representation to fully protect the interests of both parties is necessary, such as a conflict of interest between the City and the counsel selected by the Grantee to represent the City, the Grantee shall pay reasonable attorneys' fees and expenses incurred by the City in defending itself with regard to any action, suit or proceeding indemnified by the Grantee. The City's fees and expenses shall include all reasonable out-of-pocket expenses, such as consultants' fees, and shall also include the reasonable value of any services rendered by the City Attorney or his/her assistants or any employees of the City or its agents but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by the Grantee. In the event any other Cable Operator has a different Indemnification obligation in a future franchise agreement, the parties agree to meet to discuss modifications to Grantee's Indemnification obligation. The provisions of this Section shall survive the expiration or termination of this Agreement.

11.2 Insurance.

11.2.1 Grantee shall maintain on file with the City evidence of insurance coverage satisfactory to the City with minimum coverage and limits of liability specified below.

11.2.2 Grantee shall maintain:

1. Commercial General Liability (CGL) insurance written on an occurrence form at least as broad as ISO CG 00 01, with

Minimum Limits of Liability:

\$3,000,000 per Occurrence, \$3,000,000 Premises/Operations, Products/Completed Operations Aggregate, Personal/Advertising Injury Liability, Contractual Liability, and Independent Contractors Liability; \$3,000,000 Each Accident/Each Disease/ Policy Limit Employers Liability/Washington Stop Gap. The CGL insurance shall not exclude XCU/subsidence perils or any similar perils;

2. Automobile Liability insurance at least as broad as ISO CA 00 01 including coverage for owned, non-owned, leased, or hired vehicles, as applicable, with a minimum limit of \$3,000,000 each accident for bodily injury and property damage; and

3. Workers Compensation insurance for Washington State as required by Title 51 RCW Industrial Insurance.

The City may increase the minimum policy limits and coverage from time to time as the City deems appropriate to adequately protect the City and the public. In the event any other Cable Operator has a different policy limit for the items covered in this Section, upon ninety (90) days' notice, Grantee will modify the limits in its insurance policy to match the amount of the other Cable Operator.

The CGL insurance and Excess or Umbrella liability insurance, if any, shall include the "City of Mercer Island, its officers, officials, employees, agents and volunteers" as additional insureds subject to a standard "Separation of Insureds" or "severability" clause, and shall be primary and non-contributory with any insurance or self-insurance coverage maintained by the City.

11.2.3 Grantee specifically acknowledges that the limits of liability described above are minimum limits of liability only. Regardless of provisions to the contrary under the terms of any insurance policy maintained by the Grantee, the specification of any such minimum limits shall neither be (1) intended to establish a maximum limit of liability to be maintained by the Grantee regarding this Franchise, nor (2) construed as limiting the liability of any of the Grantee's insurers, which must continue to be governed by the stated limits of liability of the relevant insurance policies. Each insurance policy shall be issued by an insurer rated A: VII or higher in the A.M. Best's Key Rating Guide, unless a surplus lines placement by a licensed Washington State surplus lines broker, or as may otherwise be approved by the City. Grantee shall provide at least thirty (30) days' notice to the City of any change, cancellation or lapse thereof.

11.2.4 Grantee's insurance policy shall not contain any provision, exclusion or endorsement that limits, bars, or effectively precludes the City of Mercer Island

from coverage or asserting a claim under Grantee's insurance policy on the basis that the coverage or claim is brought by an insured or additional insured against an insured or additional insured under the policy. Grantee's insurance policy shall NOT include any of the following Endorsements (or their equivalent endorsement or exclusions): (1) Contractual Liability Limitation, (CGL Form 21 39 or equivalent), (2) Amendment Of Insured Contract Definition, (CGL Form 24 26 or equivalent), (3) Limitation of Coverage to Designated Premises or Project, (CGL Form 21 44 or equivalent), (4) any endorsement modifying or deleting the exception to the Employer's Liability exclusion, (5) any "Insured vs. Insured" or "cross-liability" exclusion, and (6) any type of punitive, exemplary or multiplied damages exclusion.

11.2.5 The term "insurance" and "insurer(s)" under this Subsection 11.2 shall apply to self-insurance and self-insurer(s). Should Grantee maintain self-insurance (except that subject to a deductible endorsement provision that specifies that the nonpayment of deductible amounts by the named insured shall not relieve the insurer from payment of claims), it shall disclose in writing details of such self-retained limit(s). Should such self-insurance not be fronted by an insurance company, Grantee shall issue a letter stating that it will cover the City as an additional insured for the required coverages as if a commercial insurance policy applied and will specify how and to whom a tender of claim should be directed.

11.2.6 Certification of insurance, notice of cancellation and any other written communication under this Subsection 11.2 shall be addressed to: the Mercer Island Department of Information Technology, Office of Cable Communications (see address in Subsection 19.8).

11.2.7 Evidence of insurance shall be in a form and with such content that is acceptable to the City and shall include an actual copy of the designated additional insured endorsement or blanket additional insured endorsement or policy wording documenting that the City of Mercer Island is covered as an additional insured under Grantee's CGL Insurance.

In the event any other Cable Operator is required in a future franchise to obtain a construction bond, security fund or letter of credit, the parties agree to meet to discuss modifications to Grantee's obligations.

SECTION 12. GENERAL USE OF AND CONSTRUCTION IN RIGHT-OF-WAY

12.1 Relationship with Other Laws.

Construction work and maintenance of any and all of Grantee's Facilities within the City's Rights-of-Way shall be done in accordance with the Mercer Island Municipal Code.

12.2 Construction.

- 12.2.1 Subject to the terms of Subsection 1.1.4 of this Franchise, all construction and maintenance of any and all Facilities within the City's Rights-of-Way pursuant to this Franchise shall be and remain the Grantee's responsibility regardless of who performs the construction. Grantee shall apply for and obtain all-permits necessary for construction or installation of any Facilities, and for excavating and laying any Facilities, within the City's Rights-of-Way. Grantee shall pay all applicable fees upon issuance of the requisite construction permits by the City to Grantee, and shall pay all inspection fees and other costs incurred by the City as a result of work authorized by such permit.
- 12.2.2 Before beginning any construction, Grantee shall provide the City with a construction schedule for its work in the City's Rights-of-Way. As Grantee's construction of Facilities in the City's Rights-of-Way is completed or its location subsequently altered during the term of the Franchise, Grantee shall, upon request, periodically provide the City' Office of Cable Communications with maps showing the location of the installed Facility in the City's Rights-of-Way, as built.
- 12.2.3 To maximize public and employee safety, to minimize visual clutter of aerial plant, and to minimize the amount of trenching and excavation in and along City Rights-of-Way and sidewalks for underground plant, Grantee shall make reasonable efforts to collocate its compatible facilities within the Rights-of-Way subject to the engineering requirements of the owners of utility poles and other facilities, in the case that relocation or extension of Grantee's facilities is approved or required by City.
- 12.2.4 Before beginning any work in the City's Rights-of-Way, Grantee shall apply for and obtain appropriate permits from the City, and give appropriate notices to any other Grantees, licensees or permittees of the City, or other units of government owning or maintaining pipes, wires, conduits or other facilities which may be affected by the proposed excavation.
- 12.2.5 When Facilities pass over or under private or publicly owned property it shall be Grantee's sole responsibility to obtain all necessary permission from the owner thereof before commencing work, and to notify all utility companies and property owners who may be subject to damage or inconvenience during such work.

12.3 Compliance with Construction and Safety Standards.

Grantee will construct and maintain the Cable System using applicable City codes and the following safety codes and construction standards:

1. NEC – the National Electrical Code;

2. NESC – the National Electrical Safety Code;
3. OSHA – the Occupational Safety and Health Act; and
4. WISHA – the Washington Industrial Safety and Health Act.

Nothing herein shall preclude Grantee from raising any and all defenses it may have under applicable codes.

12.4 Construction and Work Permits, Licenses and Permission.

Grantee agrees to file for and secure any required permits and/or licenses prior to its commencement of any activity in the public Right-of-Way. Grantee shall notify the City when permitted work is completed to facilitate inspection.

12.5 Construction Area Safety and Cleanup.

Grantee agrees to inspect its contractor(s) on a regular basis and ensure that both its personnel and contractor(s) provide clean-up of all workplaces and adhere to industry safety as well as all state and local safety standards. Grantee shall provide specified periodic reports of its inspections to the City.

12.6 Relocation.

Upon thirty (30) days' prior written notice to Grantee (except in the case of emergency), the City shall have the right, as detailed in RCW 35.99.060, to require Grantee to relocate any part of Grantee's Cable System within the Right-of-Ways when required for any public work, capital improvement or when the safety, health or welfare of the public requires such change, and the expense thereof shall be paid by Grantee to the extent permitted by Washington law. Should Grantee fail to remove or relocate any such facilities by a reasonable date established by the City or in the case of an emergency, City may effect such removal or relocation, and the expense thereof shall be paid by Grantee to the extent permitted by Washington law, including all costs and expenses incurred by City due to Grantee's delay. If City requires Grantee to relocate its facilities located within the Right-of-Ways, City shall make a reasonable effort to provide Grantee with an alternate location within the Right-of-Ways.

12.7 Restoration of City's Rights-of-Way.

Whenever Grantee disturbs the surface of any Right-of-Way for any purpose, the City shall be responsible for restoration of the City's Right-of-Way and its surface within the area affected by the excavation unless the City authorizes the Grantee in the street use permit to perform such restoration work. The cost of all restoration work, including the cost of inspection and supervision, shall be paid by the Grantee. All excavations made by Grantee in the City's Rights-of-Way shall be properly safeguarded for the prevention of accidents.

12.8 Maintenance and Quality of Work.

12.8.1 The Cable System shall be constructed in compliance with generally accepted industry standard.

12.8.2 The Cable System shall be constructed and maintained so as not to interfere with sewers, water pipes, conduits or any other property of the City, or with any other pipes, wires, conduits, structures or other facilities that may have been laid in the City's Rights-of-Way by or under the City's authority.

12.8.3 Grantee shall operate the Cable System so as to prevent injury to the City's property or property belonging to any Person within the City. Grantee, at its own expense, shall repair, renew, change and improve its Facilities from time to time as may be necessary to accomplish this purpose.

12.8.4 Grantee shall not construct the Cable System in any manner that requires any Subscriber to install any cable, wire, conduits or other facilities, under or over a Right-of-Way.

12.9 Acquisition of Facilities.

Upon Grantee's acquisition of Facilities in any City Right-of-Way, or upon the addition or annexation to the City of any area in which Grantee owns or operates any Facility in any City Rights-of-Way, the Grantee shall, at the City's request, submit to the City a statement and as-built plans describing all existing Facilities, whether authorized by franchise, permit, license or other prior right, and depicting the location of all such Facilities with such specificity as the City may reasonably require. Such Facilities shall immediately be subject to the terms of this Franchise, and shall be brought into compliance with it as soon as practicable. In the event the new Facilities or annexed area have characteristics that make literal application of any term of the Franchise inappropriate, the parties will negotiate in good faith to modify the Franchise solely with respect to such characteristics and only to the extent necessary to achieve consistency with the purposes of this Franchise.

12.10 Reservation of City Right-of-Way Rights.

Nothing in this Franchise shall prevent the City from constructing, maintaining, or repairing any City Right-of-Way, or public work or improvement in the City's Rights-of-Way. All such work shall be done, insofar as practicable, so as not to obstruct, injure or prevent the use and operation of the Cable System. However, if any of the Cable System will interfere with the construction, maintenance, or repair of any City Right-of-Way or public work or improvement in the City's Rights-of-Way, at its own expense the Grantee shall remove or relocate the Cable System as the City directs. Should the Grantee fail to remove, adjust or relocate the Facilities by the date established by the City Engineer's written notice to Grantee, the City may effect such removal, adjustment or relocation and recover the cost thereof from the Grantee, including all costs and expenses incurred by the City due to Grantee's delay.

12.11 Reservation of Rights and Privileges.

Nothing in this Franchise shall deprive the City of any rights or privileges that it now has, or that may hereafter be conferred upon it, including any rights to exercise its police powers in the regulation, control, and use of the Rights-of-Way.

12.12 Street Vacation.

If any street or portion thereof used by Grantee is vacated by the City during the term of this Franchise, unless the City Council specifically reserves to Grantee the right to continue its installation in the vacated street, Grantee shall, without delay or expense to the City, remove its Facilities used exclusively for the provision of Cable Service from such street and the expense thereof shall be paid by Grantee.

12.13 Discontinuing Use of Facilities.

Whenever Grantee intends to discontinue using any Facility within the City's Rights-of-Way exclusively for the provision of Cable Service, Grantee shall submit for the approval of the authorizing City department a complete description of the Facility and the date on which the Grantee intends to discontinue using the Facility. Grantee may remove the Facility or request that the City permit it to remain in place. Notwithstanding the Grantee's request that any such Facility remain in place, the City may require the Grantee to remove the Facility from the City's Right-of-Way or modify or maintain the Facility to protect the public health and safety or otherwise serve the public interest. The City may require the Grantee to perform a combination of modification, maintenance, and/or removal of the Facility. Grantee shall complete such removal or modification in accordance with a schedule set by the City. Until such time as Grantee removes or modifies the Facility as directed by the City, or until the rights to and responsibility for the Facility are accepted by another Person having authority to construct and maintain such Facility, Grantee shall be responsible for, all necessary repairs and relocations of the Facility, as well as maintenance of the City's Right-of-Way, in the same manner and degree as if the Facility were in active use, and Grantee shall retain all liability for such Facility.

12.14 Hazardous Substances.

12.14.1 Grantee shall comply with all applicable state and federal laws, statutes, regulations and orders concerning Hazardous Substances relating to the Cable System in the City's Rights-of-Way. For purposes of this Subsection 12.14, "Hazardous Substances" shall be all substances so characterized in RCW 70.105D.020(13).

12.14.2 Grantee shall maintain and inspect the Facilities located in the City's Rights-of-Way and immediately inform the City of any release of Hazardous Substances. Upon reasonable notice to Grantee, the City may inspect the Facilities in the City's Rights-of-Way to determine if any release of Hazardous Substances has occurred, or may occur, from or related to the Facilities. In removing or modifying the Facilities as provided in this Franchise, Grantee shall also remove all residue of Hazardous Substances related thereto; provided,

however, if it is determined that the Facilities did not cause the release of Hazardous Substances, Grantee shall have no duty to remove such substances.

12.14.3 Grantee agrees to forever indemnify the City against any claims, costs, and expenses, of any kind, whether direct or indirect, incurred by the City arising out of a release of Hazardous Substances arising from, connected to or incident to the Grantee's Facilities in the City's Rights-of-Way.

12.15 Undergrounding of Cable.

Grantee is strongly encouraged to locate and construct its present and future cables and other Facilities underground. Grantee shall install cables or other Facilities underground wherever and at the same time existing utilities in the immediate vicinity are installed underground, where all utilities are placed underground, or where statute or ordinance requires utilities to be placed underground. Previously installed aerial cable shall be undergrounded in concert, and on a reasonable cost-sharing basis, with other utilities pursuant to the general ordinances of the City or applicable state law, or in the event that a telecommunications utility or a public utility decides to underground its facilities on a voluntary basis, unless the City grants an exception.

12.16 Construction Codes.

Grantee shall strictly adhere to all building and zoning codes currently or hereafter in effect. Grantee shall arrange its lines, cables, and other appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said public or private property by any Person. In the event of such interference, the City may require the removal relocation of the Grantee's lines, cables, and other appurtenances from the property in question at Grantee's expense.

SECTION 13. TRANSFER OR ASSIGNMENT

13.1 Neither the Grantee nor any other Person may transfer the Cable System or the Franchise without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. No change in control of the Grantee, defined as an acquisition of 50% or greater ownership interest in Grantee, shall take place without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. No consent shall be required, however, for (1) a transfer in trust, by mortgage, hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or in the Cable System in order to secure indebtedness, or (2) a transfer to an entity directly or indirectly owned or controlled by CenturyLink Inc. Within thirty (30) days of receiving a request for consent, the City shall, in accordance with FCC rules and regulations, notify the Grantee in writing of the additional information, if any, it requires to determine the legal, financial and technical qualifications of the transferee or new controlling party. If the City has not taken action on the Grantee's request for consent within one hundred twenty (120) days after receiving such request, consent shall be deemed given.

- 13.2 Except as allowed in this Section 13, the Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld.
- 13.3 The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Grantee. The word “control” as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make this Franchise subject to cancellation unless and until the City shall have consented thereto.
- 13.4 The parties to the sale, transfer or change of control shall make a written request to the City for its approval of a sale, transfer or change of control and shall furnish all information required by law.
- 13.5 The City may condition said sale, transfer or change of control upon such terms and conditions as it deems reasonably appropriate, including, for example, any adequate guarantees or other security, as allowed by applicable law. Additionally, the prospective controlling party or transferee shall effect changes as promptly as practicable in the operation of the Cable System, if any changes are necessary, to cure any violations or defaults presently in effect or ongoing.
- 13.6 The City shall act by ordinance or resolution on the request within one hundred twenty (120) days of the request, provided it has received all information required by law, such as a complete FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.
- 13.7 Within thirty (30) days of any transfer, sale or change of control, if approved or deemed granted by the City, Grantee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or control, certified and sworn to as correct by Grantee and the transferee or new controlling entity. In the event of a sale or transfer of ownership, the transferee shall also file its written acceptance agreeing to be bound by all of the provisions of this Franchise. In the event of a change in control, in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all of the provisions of the Franchise and will not be required to file an additional written acceptance. The approval of any change in control shall not be deemed to waive any rights of the City to subsequently enforce noncompliance issues relating to this Franchise.
- 13.8 Notwithstanding the foregoing, the City’s consent shall not be required for a hypothecation or an assignment of Grantee’s interest in the Franchise in order to secure indebtedness or for a transfer to an intra-company Affiliate, provided that the Grantee

must reasonably notify the City within thirty (30) days and the Affiliate must have the requisite legal, financial and technical capability.

SECTION 14. PROCEDURES IN THE EVENT OF EXPIRATION, TERMINATION, REVOCATION, OR NON-RENEWAL

14.1 Continuity of Service.

14.1.1 Grantee shall operate the Cable System pursuant to this Franchise without interruption, except as otherwise provided by this Franchise. If at any time this Franchise is revoked, terminated, or not renewed upon expiration in accordance with the provisions of federal law, Grantee shall, at the City's request, as trustee for its successor in interest, operate the Cable System for a temporary period (the "transition period") as necessary to maintain service to Subscribers and give Subscribers an opportunity to get another provider.

14.1.2 During the transition period, Grantee shall neither sell any of the Cable System assets serving City customers nor make any physical, material, administrative, or operational change that would tend to degrade the quality of service to Subscribers, decrease Gross Revenues, or materially increase expenses without the express permission, in writing, of the City.

14.1.3 The transition period shall be no longer than the reasonable period required to arrange for an orderly transfer of the Cable System to the City or for Subscribers to get another provider, unless mutually agreed to by Grantee and the City. During the transition period, Grantee will continue to be obligated to comply with the terms and conditions of this Franchise, and applicable laws and regulations.

14.1.4 If Grantee abandons the Cable System during the Franchise term or fails to operate the Cable System in accordance with the terms of this Franchise during any transition period, the City, at its option, may operate the Cable System, designate another entity to operate the Cable System temporarily until the Grantee restores service under conditions acceptable to the City or until the Franchise is revoked and a new grantee selected by the City is providing service or Subscribers are given a reasonable period of time to get a new provider, or obtain an injunction requiring Grantee to continue operations.

SECTION 15. REGULATION OF RATES AND CHARGES, CITY REGULATION

To the extent consistent with state and federal law, Grantee's rates and charges shall be subject to City regulation and approval.

15.1 Reserved City Authority.

The City reserves all regulatory authority arising from the Cable Television Consumer Protection and Competition Act of 1992, as now in effect or hereafter amended.

SECTION 16. RECORDS AND REPORTS

16.1 Open Records.

- 16.1.1 Grantee shall maintain Records of its operations that are open and accessible to the City. The City shall have the ability to inspect such Records of the Grantee as are reasonably necessary to monitor compliance with the Franchise at a local office during Normal Business Hours and upon reasonable notice. Such notice shall specifically reference the Section of the Franchise that is under review, so that the Grantee may organize the necessary books and records for easy access by the City. Such notice shall not apply to the Public Records File required by the FCC. If any such Records are under the control of an Affiliated Entity or a third party or are stored in a computer, Grantee shall promptly take steps to secure access to such records as are reasonably necessary for the City's inspection. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, Grantee may, at its sole option, choose to pay the reasonable travel costs of the City's representative to view the books and records at the appropriate location.
- 16.1.2 Grantee acknowledges that information submitted to the City is subject to the Washington Public Records Act, chapter 42.56 RCW, and is open to public inspection, subject to any exceptions permitted by law (unless an exemption applies).
- 16.1.3 Grantee may identify documents submitted to the City that Grantee believes are non-disclosable, such as trade secrets. Grantee shall prominently mark any document for which it claims confidentiality with the mark "Confidential," in letters at least one-half (1/2) inch in height, prior to submitting such document to the City. The City shall treat any document so marked as confidential and will not disclose it to Persons outside of the City, except as required by law and as provided herein. If the City receives a public disclosure request for any documents or parts of documents that Grantee has marked as "Confidential," the City shall provide the Grantee with written notice of the request, including a copy of the request. While it is not a legal obligation, the City, as a courtesy, will allow Grantee up to ten (10) business days to obtain and serve the City with a court injunction to prevent the City from releasing the documents. If Grantee fails to obtain a Court order and serve the City within the ten (10) business days, the City may release the documents. The City will not assert an exemption from disclosure on Grantee's behalf.

16.2 Annual Reports.

Grantee shall annually present a written report to the City (the "Annual Report"). Grantee shall submit the Annual Report no later than one hundred twenty (120) days after the close of its fiscal year. The Annual Report shall include information for the Grantee's operations within the City for the immediately preceding year, including, but not limited to:

- 16.2.1 Cable System structural and operating information;
- 16.2.2 Changes, additions or deletions made in the Cable System since the last Annual Report. Complete and accurate Cable System maps, which shall include but not be limited to detail of trunks, distribution lines, and nodes, shall be available at Grantee's offices for City review. In addition, the City may request a copy of the Cable System route maps annually or as needed to update the City's maps;
- 16.2.3 Cable System ownership, including all levels of Affiliated and Parent Corporations and controlling ownership percentages;
- 16.2.4 An organization chart for Grantee, listing its officers, directors, department heads, and supervisors for major activity centers by category including names, positions, and business addresses;
- 16.2.5 Cable Services provided on the Cable System, including services begun or dropped during the previous year;
- 16.2.6 A schedule of all Grantee's rates and charges with notations of changes occurring during the year and the dates of such changes;
- 16.2.7 For the Cable System in the City: (1) number of Qualified Living Units; (2) numbers of Subscribers of Basic Service and other Tiers of Cable Service; and (3) number of pay television units;
- 16.2.8 A summary of all Cable System outages in a form acceptable to the City. An outage includes a loss of one or more video or audio Channels of four hours or longer, but does not include instances where the sound or video is lost prior to its receipt by the Cable System;
- 16.2.9 An executive summary of Subscriber Complaints received in the previous year.
- 16.2.10 The current complaint procedures followed by the Grantee and the total number of Subscribers in the Franchise Area who received service credits from Grantee;
- 16.2.11 Annual proof-of-performance tests, showing performance of the Cable System with respect to applicable FCC technical standards and certification that all tests required by the FCC have been completed;
- 16.2.12 Copies of current form contracts between Subscribers and the Grantee;
- 16.2.13 A list of all petitions, applications, communications, and reports having a direct and material effect on the Cable System, submitted by the Grantee and its Parent Corporations to the FCC, the Securities and Exchange

Commission or any other federal or state regulatory agency. Grantee shall make copies of any such documents and any related communications with the respective agencies available to the City upon request;

16.2.14 A copy of its equal employment opportunity plan and Form 396C or other applicable equal employment opportunity form filed with or submitted to the FCC; and

16.2.15 Financial information as follows:

1. To the extent available, financial statements for the Mercer Island Area Cable System and, separately, for the Cable System within the City, prepared in accordance with generally accepted accounting principles. For purposes of this Subsection, "Mercer Island Area Cable System" means the regional Cable System of which the Cable System serving the Franchise Area is a part;

2. Such other information as the City may reasonably request;

3. Grantee's (or ultimate Parent Corporation's) annual corporate report, including their audited financial statements; and Statement describing joint ventures or partnerships in which the Grantee owns at least a five percent (5%) interest.

16.3 Reports of Regulatory Violations.

Grantee shall provide copies to the City of any report, order, consent decree, or other formal determination of any regulatory agency having jurisdiction over Grantee pertaining to any alleged violation by Grantee of any applicable rule or law of the agency regarding Grantee's provision of Cable Services under this Franchise.

SECTION 17. EQUAL EMPLOYMENT

17.1 Non-Discrimination in Employment and Benefits.

During the performance of this Franchise, Grantee agrees as follows:

1. Grantee shall not discriminate against any employee or applicant for employment because of race, religion, creed, color, sex, age, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. Grantee will make affirmative efforts to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, religion, race, color, sex, age, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin,

or the presence of any sensory, mental or physical handicap. Such efforts shall include, but are not limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

2. The Grantee shall substitute the name of the subcontractor wherever the word "Grantee" appears in Subsection 17.1(A) and insert these revised provisions in all subcontracts for work covered by this Franchise.
3. By acceptance of this Franchise, Grantee is affirming that it complies with all applicable federal, state, and local non-discrimination laws.

17.2 Women and Minority Business Enterprises ("WMBE").

This Section shall apply upon ninety (90) days' notice from the City to Grantee that another Cable Operator has similar obligation in its franchise agreement.

- 17.2.1 Grantee shall use good faith efforts to promote and seek utilization of women and minority businesses for any subcontracting opportunities that arise in connection with this Franchise.
- 17.2.2 Efforts may include the use of solicitation lists, advertisements in minority community publications, breaking requirements into tasks or quantities that promote WMBE utilization, making schedule or requirement modifications likely to assist WMBE firms, targeted recruitment, and using minority community and public organizations to perform outreach.
- 17.2.3 Record-Keeping: Grantee shall maintain, for at least twenty-four (24) months after the expiration or earlier termination of this Franchise, relevant Records and information necessary to document all Grantee's solicitations to subcontractors and suppliers, all subcontractor and supplier proposals received, and all subcontractor and suppliers actually utilized in meeting Grantee's Franchise obligations. The City shall have the right to inspect and copy such Records.
- 17.2.4 Grantee shall ensure that all employees, particularly supervisors, are aware of, and adhere to, their obligation to maintain a working environment free from discriminatory conduct, including, but not limited to, harassment and intimidation of women or minority businesses.
- 17.2.5 Non-Discrimination: Grantee shall not create barriers to open and fair opportunities for WMBEs to participate in any City contract and to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services.

SECTION 18. REMEDIES FOR NON-COMPLIANCE

18.1 Notice of Violation or Default.

In the event the City believes that the Grantee has not complied with the material terms of the Franchise, it shall notify the Grantee in writing with specific details regarding the exact nature of the alleged noncompliance or default.

18.2 Grantee's Right to Cure or Respond.

The Grantee shall have forty-five (45) days from receipt of the City's written notice to: (1) respond to the City, contesting the assertion of noncompliance or default; or (2) to cure such default; or (3) in the event that, by nature of the default, such default cannot be cured within the forty-five (45) day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

18.3 Public Hearings.

In the event the Grantee fails to respond to the City's notice, that the alleged default is not remedied within forty-five (45) days or the date projected by the Grantee, the City shall schedule a public hearing to investigate the alleged default. Such public hearing shall be held at the next regularly scheduled meeting of the City that is scheduled at a time that is no less than ten (10) business days therefrom. The City shall notify the Grantee in writing of the time and place of such meeting and shall provide the Grantee with a reasonable opportunity to be heard.

18.4 Enforcement.

Subject to applicable federal and state law, in the event the City, after such public hearing, determines that the Grantee is in default of any provision of the Franchise, the City may:

1. Seek specific performance of any provision that reasonably lends itself to such remedy as an alternative to damages, or seek other equitable relief; or
2. In the case of a substantial default of a material provision of the Franchise, declare the Franchise to be revoked in accordance with the following:

The City shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth with specificity the exact nature of the noncompliance. The Grantee shall have ninety (90) days from the receipt of such notice to object in writing and to state its reasons for such objection. In the event the City has not received a response from the Grantee or upon receipt of the response does not agree with the Grantee's proposed remedy, it may then seek termination of the Franchise at a public hearing. The City shall cause to be served

upon the Grantee, at least ten (10) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to request termination of the Franchise.

At the designated hearing, the City shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within ten (10) business days. The decision of the City shall be in writing and shall be delivered to the Grantee by certified mail. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the City on a “de novo” basis and to modify or reverse such decision as justice may require. Such appeal to the appropriate court must be taken within sixty (60) days of the City’s issuance of its decision to revoke the Franchise.

18.5 Technical Violations.

The City agrees that it is not its intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for so-called “technical” breach(es) or violation(s) of the Franchise, which shall include, but not be limited, to the following:

1. Instances where a breach of the Franchise by the Grantee was a good faith error that resulted in no or minimal negative impact on its Subscribers within the Franchise Area; or
2. Instances where there existed circumstances reasonably beyond the control of the Grantee and which precipitated a violation by the Grantee of the Franchise, or which were deemed to have prevented the Grantee from complying with a term or condition of the Franchise.

18.6 Non-Waiver.

Grantee shall not be relieved of its obligations to comply, promptly and completely, with any provision of the Franchise by reason of any failure of the City to promptly enforce compliance with this Franchise, nor does the City waive or limit any of its rights under this Franchise by reason of such failure or neglect.

SECTION 19. MISCELLANEOUS PROVISIONS

19.1 Compliance with Laws.

- 19.1.1 Subject to Subsection 1.5, Grantee shall comply with all applicable federal, and state laws and City ordinances, resolutions, rules and regulations adopted or established pursuant to the City's lawful authority and other agreements or contracts entered into with the City that specifically make such agreements or contracts subject to the enforcement provisions of this Franchise.

19.1.2 Nothing in this Franchise is intended to authorize the Grantee to engage in any activity that violates the law.

19.2 Severability.

If any Section, provision or clause of this Franchise is held by a court of competent jurisdiction to be invalid or unenforceable, or is preempted by federal or state laws or regulations, the remainder of this Franchise shall not be affected, except as is otherwise provided in this Franchise.

19.3 No Recourse against City.

Grantee's recourse against the City or its officials, boards, commissions, agents or employees for any claim arising from any provision or requirement of this Franchise shall be limited to injunctive relief and declaratory relief, except where the Grantee's claim arises from acts or omissions of the City acting in a proprietary capacity, but only to the extent such relief is not prohibited by federal law. For purposes of this Subsection, the City shall not be considered to be acting in a proprietary capacity in granting, modifying, denying, terminating, or enforcing Franchises.

19.4 Action by Agencies or Courts.

Grantee shall promptly notify the City in the event that any agency of the federal government or the State of Washington or any court with competent jurisdiction requires the Grantee to act inconsistently with any provisions of this Franchise.

19.5 Other Cable Franchises.

The City shall not be limited or prevented by any provision in this Franchise from issuing any franchise, permit, license or other agreement of any kind for all of Grantee's Franchise Area or any portion thereof, to other cable providers. This provision shall not alter any rights of Grantee under Subsection 1.4.

19.6 Choice of Forum.

Any litigation between the City and Grantee arising under or regarding this Franchise shall occur, if in the state courts, in the King County Superior Court, and if in the federal courts, in the United States District Court for the Western District of Washington.

19.7 Force Majeure.

If Grantee is prevented or delayed in the performance of any of its obligations under this Franchise by reason of acts of God, floods, fire, hurricanes, tornadoes, earthquakes, or other unavoidable casualties, insurrection, war, riot, vandalism, strikes, or sabotage, to the extent such event prevents performance by Grantee and such event is beyond Grantee's control, Grantee shall have a reasonable time under the circumstances to perform such obligation under this Franchise, or to get a substitute for such obligation to the satisfaction of the City. If Grantee

claims a force majeure event, Grantee shall give prompt written notice of the same to the City and shall set forth its plan of action to meet the obligations of this Franchise once the force majeure event no longer prevents Grantee's performance.

19.8 Notice.

Unless otherwise agreed to by the parties, any notice provided for under this Franchise shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party specifies in writing:

If to the City:

City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

If to the Grantee:

Qwest Broadband
Services, Inc., d/b/a CenturyLink
ATTN: Public Policy
931 14th Street, Suite 1230
Denver, CO 80202

With a copy to:

Qwest Broadband Qwest Broadband Services,
Inc., d/b/a CenturyLink
1600 7th Ave.
15th Floor
Seattle, WA 98101

IN WITNESS WHEREOF, and with an intention to be fully and legally bound, Grantee and the City hereby execute this Franchise, which shall become effective pursuant to the City legislation authorizing it:

CITY OF MERCER ISLAND

QWEST BROADBAND SERVICES, INC.

By:
Title:

By:
Title:



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5311
June 5, 2017
Regular Business**

**ISLAND CREST PARK NORTH OUTFIELD
PROJECT**

Proposed Council Action:

Set scope and budget for Island Crest Park North Outfield Project.

DEPARTMENT OF	Parks and Recreation (Bruce Fletcher and Paul West)
COUNCIL LIAISON	n/a
EXHIBITS	1. AB 5277 (4/17/2017) 2. North Field Improvements Construction Cost Estimate 3. Cal Ripken Foundation Report on Crumb Rubber
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$ 2,596,350
AMOUNT BUDGETED	\$ 2,190,160
APPROPRIATION REQUIRED	\$ 406,190

SUMMARY

BACKGROUND

At the April 17, 2017 meeting, the City Council reviewed AB 5277: Island Crest Park Sportsfields Improvements Bid Award (Exhibit 1). The Council rejected all bids on the project and directed staff to design a synthetic turf outfield project for the Island Crest Park north field. Council also authorized the City Manager to join the King County Directors Association (KCDA) purchasing cooperative to enable the City to procure the new project through KCDA.

PROJECT DESCRIPTION

The new project would remove the existing sand base outfield in the north half of Island Crest Park and replace it with synthetic turf. Project options include:

- Adding a “shock pad” underlayment which would improve safety and performance on the field;
- Using sand-based crumb rubber infill or cork infill in the synthetic turf (cork infill is only possible if “shock pad” is also used); and
- Replacing existing lights with new LED field lights or retaining existing lights and installing conduit only for future light replacement.

PROJECT OPTIONS AND ALTERNATIVES

Exhibit 2 summarizes nine options for the field project, which are organized in three groups:

1. Field Option 1: North Outfield Turf Conversion with Sand/SBR (Crumb Rubber) Infill
2. Field Option 2: North Outfield Turf Conversion with Shock Pad and Crumb Rubber Infill
3. Field Option 3: North Outfield Turf Conversion with Shock Pad and Cork Infill

The costs listed in Exhibit 2 include sales tax, permits, design and construction management fees, testing and a 10% contingency. They do not include City staff time for project management and sunk costs related to south field design, which together total \$56,000. Including these items, the total cost for each option is as follows:

1. Field Option 1 (no shock pad): \$1,495,020
2. Field Option 2 (shock pad & crumb rubber): \$1,699,652
3. Field Option 3 (shock pad & cork): \$1,782,020

Within each Option group, there are three alternatives for lighting:

1. Base: conduit for a future light project (cost included in all Field Options)
2. Lights Addition A: north field only (add \$814,330)
3. Lights Addition B: both north and south fields (add \$1,273,859)

FIELD OPTION RECOMMENDATION

Staff is recommending Option 2 or Option 3. As discussed in Exhibit 1, shock pad underlayment offers greater player safety and field longevity. It also allows the City the flexibility of infill options going forward. Without shock pad, the field relies solely on the sand/crumb rubber for shock absorption. With shock pad, the field requires 25% less infill material.

Staff supports using either crumb rubber or cork as the infill for this field. To date there have been several studies looking at cancer risk with this product. AB 5277 (Exhibit 1) reviewed the Washington State Department of Health cluster study on this topic. According to the study, there currently is no scientific evidence that crumb rubber infill has caused cancer. Included in this agenda bill is a new study by the Cal Ripken Sr. Foundation (Exhibit 3), which found that the levels of carcinogen contact with crumb rubber would increase cancer incidents by 1 in one million players.

Staff consulted also with Seahawks field manager John Wright. He reported that all NFL fields use crumb rubber. He said that current research is discussed frequently at the NFL field managers meetings. He pointed out that they have a great interest in protecting their employees. He said that if they believed that there was a health issue, they would be the first to change to an alternative material. Instead, they believe that the health risk is not evident and find that crumb rubber (with shock pad) makes the best running surface for their fields.

In response to community feedback, staff reviewed the available alternatives to crumb rubber. They visited fields with alternative infills and reviewed what other cities are choosing. They found that cork infill is performing well on fields that they visited. Based on their research, they decided on cork as the preferred alternative. It is resilient, rot resistant, and less costly than other infills. Cork infill must be replaced when the turf is replaced on the standard 10-year cycle. In contrast, the crumb rubber can be reused through multiple replacement cycles. However, the ongoing and inconclusive nature of the research on crumb rubber safety make cork a reasonable infill option.

LIGHTING ALTERNATIVE RECOMMENDATION

The lights at Island Crest Park need to be replaced. The equipment is at the end of its lifespan. Lighting levels are not adequate to meet current standards of play. Staff is recommending Lights Addition A. It is possible to build this field without replacing the lights at this time by installing conduit under the field where necessary. However, there would be efficiencies and risk reduction by doing both the conduit and lighting now. Installing the lights at a later date requires driving heavy equipment across the turf field. It is possible to protect the turf, but there remains a chance that the turf would be damaged. Staff is not recommending Addition B, which would replace all the lights at an additional cost of \$459,529. There is no realistic funding scenario for Lights Addition B in 2017.

TOTAL COST FOR OPTION 2A & OPTION 3A

Option	Description	Total Cost
Option 2A	Crumb rubber infill + shock pad + lighting for north field	\$2,513,982
Option 3A	Cork infill + shock pad + lighting for north field	\$2,596,350

Option 3A (cork infill) would cost only \$82,358 more than Option 2A (crumb rubber infill). Given that the total approved budget for this project is only \$2,190,160, additional funding would be required for either option.

BUDGETED FUNDING SOURCES

The funding sources for the \$2,190,160 total approved budget are broken down in the following table.

	ICP Ballfield	ICP South	
	Lights	Field	
Funding Source	Replacement	Improvements	Total
Grant (PSE, RCO respectively)	\$45,000	\$500,000	\$545,000
Private Donations	\$0	\$150,000	\$150,000
Real Estate Excise Tax (REET 1)	\$710,000	\$700,000	\$1,410,000
2017-2018 Total	\$755,000	\$1,350,000	\$2,105,000
Carry-over 2015-2016 Design	\$43,292	\$41,868	\$85,160
2017-2018 Total (after carryover)	\$798,292	\$1,391,868	\$2,190,160

Despite staff's best efforts, the City will not be receiving a \$45,000 grant from Puget Sound Energy, and only \$90,000 of the \$150,000 in community donations has been secured as of May 31, 2017. **Accordingly, the total funding available for the project is \$2,085,160, which is \$105,000 below the total approved budget of \$2,190,160.**

The total funding shortfall for Option 2A (crumb rubber infill) and Option 3A (cork infill) is summarized below.

Funding Shortfall Calculation	Option 2A (crumb rubber infill)	Option 3A (cork infill)
Total project cost	\$2,513,982	\$2,596,350
Less total authorized funding available	- 2,085,160	- 2,085,160
Funding shortfall	\$428,822	\$511,190

ADDITIONAL FUNDING SOURCES

Staff has identified the following additional funding sources to fully address the funding shortfall for each option.

Additional Funding Source	Option 2A (crumb rubber infill)	Option 3A (cork infill)
2016 REET surplus (Capital Improvement Fund)	\$74,870	\$74,870
2016 REET surplus (Street Fund)	74,870	74,870
King County Parks, Trails & Open Space Levy (2016)	23,427	23,427
King County Parks, Trails & Open Space Levy (2017)	50,000	50,000
Delay Mercerdale Park Playground (2018)	148,000	148,000
Subtotal (identified in AB 5277, 4/17/17)	\$371,167	\$371,167
Community donations (\$90,000 received as of 5/31/17)	50,000	50,000
Remaining 2015 General Fund surplus	7,655	18,000
Fire Station 92 Construction Fund balance	0	10,000
Capital Reserve Fund (\$169,999 balance)	0	62,023
Total additional funding	\$428,822	\$511,190

After talking recently with community members, the City Manager and Parks and Recreation Director believe that a \$140,000 total community donation goal is attainable for this project, requiring the community to generate \$50,000 more in donations. However, timing is critical if the project is to be completed by this fall. **Specifically, the community would need to come up with the additional \$50,000 by June 21, 2017.**

Given the Mercer Island School District’s decision to go with cork infill at the high school football field and the many comments received from the community in support of cork infill, the motion that follows assumes that the Council will choose Option 3A (cork infill), which will require \$511,190 in additional funding, which is detailed above.

RECOMMENDATION

Parks and Recreation Director

MOVE TO: Authorize the City Manager to proceed with Option 3A for the construction of new synthetic turf and the installation of lighting at Island Crest Park north field through the King County Directors Association purchasing cooperative, and set the project budget to \$2,596,350, with \$511,190 in additional funding coming from surplus General Fund and real estate excise tax revenues in 2015 and 2016, King County Parks, Trails & Open Space Levy monies, community donations, and other one-time funding sources.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5277
April 17, 2017
Regular Business**

**ISLAND CREST PARK SPORTSFIELDS
IMPROVEMENTS BID AWARD**

Proposed Council Action:

Reject all bids; Authorize City Manager to enter into an interlocal agreement for KCDA purchasing co-op.

DEPARTMENT OF	Parks and Recreation (Bruce Fletcher and Paul West)
COUNCIL LIAISON	n/a
EXHIBITS	1. AB 5165 (4/4/16) 2. Island Crest Park Sportsfield Project Alternatives 3. King County Directors' Association Interlocal Agreement
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	2,190,160
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

SUMMARY

The bids for the Island Crest Park Sportsfield Project came in higher than estimated. The apparent low bid was \$607,830 over budget on \$2,797,990 total costs. **Parks and Recreation staff recommend rejecting all bids.** Given the community interest in the project, this agenda bill also identifies construction alternatives if City Council wishes to proceed with the project as bid or another alternative that may meet the community's needs better.

HISTORICAL TIMELINE

Dec 2014	2015-16 Budget adopted with Island Crest Lighting project. Island Crest Turf project dropped from budget because RCO grant application was unsuccessful
Feb-Mar 2015	Lighting design developed as a stand-alone project
Jul 2015	RCO notifies the City of grant award of \$500,000
Nov 2015-Feb 2016	Field design and integration with lighting design; engineer's estimate
Apr 4, 2016	City Council meeting to discuss the Island Crest Sportsfield projects (Exhibit 1). Council decides to rescope Groveland Beach to fund ICP projects
Apr-Jul 2016	SEPA permitting and Design Commission review
Dec 2016	2017-18 budget adopted with both the ballfield lights and South field turf projects
Jan 2016	Final plans and bid documents; revised engineer's estimate
Feb 15, 2017	Bids announced in MI Reporter
Mar 11, 2017	Bid opening delayed to include alternate infill option
Mar 20, 2017	Bids opened

PROJECT DESCRIPTION

The project (as bid) would remove the existing sand base field in the south half of Island Crest Park and replace it with synthetic turf. Project options include the use of sand-based crumb rubber infill on the synthetic turf or coated sand infill on the turf with underlayment pad. It would also remove the existing lighting system consisting of 14 timber poles and replace them with 12 steel poles mounted with high efficiency lights. Light arrays on the two cell towers would also be replaced. The lights could be either LED or HID (metal halide).

PROJECT BUDGET

The total budget for the project is \$2,190,160, the funding for which is summarized in the following table:

Funding Source	ICP Ballfield Lights Replacement	ICP South Field Improvements	Total
Grant (PSE, RCO respectively)	\$45,000	\$500,000	\$545,000
Private Donations	\$0	\$150,000	\$150,000
Real Estate Excise Tax (REET 1)	\$710,000	\$700,000	\$1,410,000
2017-2018 Total	\$755,000	\$1,350,000	\$2,105,000
Carry-over 2015-2016 Design	\$43,292	\$41,868	\$85,160
2017-2018 Total (after carryover)	\$798,292	\$1,391,868	\$2,190,160

COMMUNITY CONTRIBUTIONS AND GRANTS

The original funding strategy for the Island Crest Park Sportsfield Improvements project included a variety of funding sources including grants and private donations.

Donations from the community are anticipated to total \$150,000. As of April 10, Parks and Recreation has raised \$90,000 in donations and pledges for the construction of the project.

In July 2015, the City was notified that this project was awarded a \$500,000 Recreation and Conservation Office (RCO) matching grant. The grant was awarded for the turf field conversion with the lighting replacement representing the City's match. This created an opportunity to reconsider the Island Crest Park Sportsfield Improvements project, which had been removed from the 2015-2016 budget when the original grant application was unsuccessful.

The Ballfield Lights Replacement project was intended to be partially funded with a \$45,000 grant from Puget Sound Energy. Staff was unsuccessful in obtaining this grant. As a result, the total funding for the project has been reduced to **\$2,145,160**, assuming the goal of raising \$150,000 in private donations is reached.

BID RESULTS AND OPTIONS

The project was advertised on February 15, 2017. An addendum was issued during bidding to include the option of a non-crumb rubber infill product. Bids were opened on March 20, 2017. Four companies submitted bids. One bid was determined to be non-responsive. The responsive bid results are as follows:

	Jansen	Ohno	A-1
A1 trench shoring	\$1,000	\$500	\$3,800
A2 lights (LED)	\$890,000	\$1,042,000	\$1,075,000
A3 field base	\$1,087,000	\$967,000	\$1,390,700
A4 force account	\$15,000	\$15,000	\$15,000
Total	\$1,993,000	\$2,024,500	\$2,484,500
B1 metal halide lights	(\$82,400)	(\$99,000)	(\$90,000)
B2 scoreboard	\$43,000	\$32,500	\$42,000
B3 2" turf and cyro crumb rubber	\$470,000	\$480,000	\$480,000
B4 1.75" turf, shock pad and coated sand	\$850,000	\$893,000	\$878,000

A complete project requires the entire A Schedule and either B3 or B4. The bid was broken out this way to provide an alternative infill option to address community concerns about crumb rubber. These totals by bidder are shown in the following table:

	Jansen	Ohno	A-1
A1-A4 schedules	\$1,993,000	\$2,024,500	\$2,484,500
B3 2" turf and cyro crumb rubber	\$470,000	\$480,000	\$480,000
Total	\$2,463,000	\$2,504,500	\$2,964,500

The engineer's estimate from February 2017 was \$2,025,000 (tax, contingency, design and project management not included). The scope for the estimate included crumb rubber infill and LED lights (Schedules A1-A4 and B3). The equivalent project from the responsive low bid would cost \$2,463,000. The lowest possible price for a complete project would also include the deductive alternative 1 (which substitutes HID lighting for LED). Including alternative B1 would reduce the lowest bid to \$2,380,600. The scoreboard item B2 was included to give the Baseball Booster Club the option of funding this item.

In addition to the construction contract, the project requires sales tax, construction contingency, construction management, project management, and some construction preparation work to be completed by Parks maintenance staff. The complete project budget is shown in the following table:

Description	Amount
Construction	\$2,380,600
Sales Tax - 10%	\$238,060
Construction Contingency - 5%	\$119,030
Construction Management	\$40,300
Project Management	\$10,000
Parks Staff Construction Prep	\$10,000
Total	\$2,797,990

The full project budget for the minimum construction cost option would total \$2,797,990. This is \$652,830 over the available funding of \$2,145,160. The project cannot be substantially altered by awarding the contract and negotiating major scope revisions with the contractor. Therefore, **staff recommends that all bids be rejected.**

At the April 6, 2017 Parks and Recreation Subcommittee meeting, staff briefed the Subcommittee on the project bid results and notified them that staff would recommend that City Council reject all bids. The Subcommittee directed staff to prepare project and funding alternatives for full Council consideration at the April 17 City Council meeting. Those project and funding alternatives are outlined below.

PROJECT ALTERNATIVES

Staff has identified twelve construction options (six options with sub-options A and B) for Council's consideration. The options are based on conceptual (minimal) design:

Option	Project Description	A - Crumb Rubber (\$M)	B - Alternate Infill (\$M)	Impact on RCO grant	Impact on community donations
1	Convert the south field to synthetic turf and replace lights (project as bid)	\$2.8*	\$3.2*	none	none
2	Replace the lights only this biennium (no turf)	\$1.3	\$1.3	loss of grant	Loss of most donations
3	Convert the south field to synthetic turf and install conduit only for lights to be installed in the 2019-2020 biennium	\$1.6	\$1.9	Requires approved change of scope and formal grant extension	none
4	Convert the north outfield to synthetic turf and install conduit only for lights to be installed in the 2019-2020 biennium	\$1.4	\$1.7	Requires approved change of scope and formal grant extension	Loss of some donations; potential additional donations
5	Replace the lights and convert the north outfield to synthetic turf in this biennium	\$2.7	\$3.0	Minor change of scope	Loss of some donations; potential additional donations
6	Replace the lights and convert the north and south field to synthetic turf in the 2019-2020 biennium	\$4.6	\$5.4	Would require formal grant extension	Potential additional donations

*numbers based on current low bid

Options 2, 3, and 4 could be constructed with the available funding of \$2,145,160. Of these, option 4 is gaining interest based on emergent issues with the north outfield.

ADDITIONAL FUNDING OPTIONS

Staff has identified potential CIP sources for closing the funding shortfall. These include:

Excess REET 2016 (CIP Fund)	\$74,870
Excess REET 2016 (Street Fund)	\$74,870
KC Levy Funds 2016	\$23,427
KC Levy Funds 2017	\$50,000
Delay - Mercedale Playground (2018)	\$148,000
Total - Redirected Funding	\$371,167

By adding the additional funding to the \$2,145,160 currently available for the project, the total funding for the project can be increased to \$2,516,327. This is still not enough funding to complete option 1 (the project as bid).

If the Council wants to pursue a more costly alternative, there are two other funding options, though there are other one-time funding needs that would need to be taken into consideration:

- 1) Street Fund / SE 40th Street (West Leg): The savings from not constructing the right turn lane portion of this project is estimated to be at least \$800,000. Other one-time funding needs include the following unfunded projects in the adopted 2017-2022 Six-Year Transportation Improvement Program and reducing the deficit forecast in the Street Fund in 2022 (2017-2018 Adopted Budget):
 - Safe Routes to School – Madrona Crest Phase 2 (\$340,000);
 - Safe Routes to School – 92nd Avenue (\$200,000); and
 - Reduce or eliminate the \$596,359 deficit forecast in the Street Fund in 2022.
- 2) 2016 General Fund available surplus: This is estimated to be \$1.0 million. Other one-time funding needs include the following:
 - I-90/Light Rail litigation and other costs;
 - Contaminated soil remediation at Maintenance Center and Honeywell property (\$500,000); and
 - Unfunded capital projects related to parks, public buildings and pedestrian/bicycle facilities, which are being considered for a potential capital levy lid lift.

OTHER ISSUES TO CONSIDER

- **Turf Infill Material – Crumb Rubber and Alternatives**

A cluster of cancer incidents in soccer players has raised concerns about the health risk of playing on field with crumb rubber infill. In January 2017, the Washington State Department of Health completed a cluster study on this topic. See Exhibit 2. According to the study, there currently is no scientific evidence that crumb rubber infill has caused cancer. Other research on the topic is forthcoming from the EPA this year.

Many citizens remain concerned about this issue and would like to err on the side of caution. Staff have evaluated alternative infill options. A summary is given in Exhibit 2. Any alternative infill option is going to be significantly more expensive than crumb rubber.

- **Donations**

The community donations of \$90,000 were given based on converting the south field to synthetic turf. The City may forfeit some of these donations if the project is re-scoped to improve the north field. If the Council approved this scope change, staff would contact current and new donors to secure their support for the revised project.

A group of fundraising citizens asked the City to include the option of an alternative infill to crumb rubber in the project scope. They suggested that they may be able to fund the shortfall for this option with community contributions. However, that suggestion was based on an expected additional cost of \$200,000. The option of a coated sand infill (Envirofill) was added during the bidding process. Bid results show that the difference in cost between Schedules B4 (alternative infill and shock pad) and B3 (crumb rubber) is \$437,000 (\$380,000 base cost + \$38,000 sales tax + \$19,000 contingency). The potential of raising the difference in cost has not been explored with them.

- **RCO Grant Timing and Eligibility**

This project includes \$500,000 in grant funding from the Washington Recreation and Conservation Office. The current funding agreement expires in December 2017. However, it can be extended administratively until July 2019, 4 years from the date of the grant award. After that, a formal request for extension must be made to the Washington Recreation and Conservation Funding Board. Switching the synthetic turf from the south field to the north outfield does not substantially

affect the grant. Changing the scope and/or timing of the lighting project will require a scope and/or timing amendment in the grant agreement, and is subject to RCO approval.

- **Purchasing Co-Op Procurement**

An alternative to public works bidding is to use a purchasing co-op to procure the turf and lights. These are organizations created to competitively bid unit costs for certain commodities and associated services. Athletic field turf and athletic field lights are common commodities included. The City Attorney's Office has reviewed two such purchasing co-ops and found that one of them, King County Directors' Association (KCDA), meets Washington State Law for purchasing large capital commodities. KCDA is a public agency. The Mercer Island School District is utilizing this co-op to purchase replacement turf for the high school stadium this year. Membership in the co-op requires approving and signing an interlocal agreement (Exhibit 3). This arrangement is likely to reduce costs for any of the above projects.

RECOMMENDATION

Parks and Recreation Director

- MOVE TO:
1. Reject all bids for the Island Crest Park Sportsfield Improvements project.
 2. Direct the City Manager to enter into Purchasing Cooperative agreement with King County Directors' Association (KCDA).

Island Crest Park - North Field Improvements Construction Cost Estimate

Mercer Island Parks and Recreation

NOTE: Costs provided below include taxes, fees, testing, permits, and 10% contingency

Option 1 - North Field Turf Conversion with Sand/SBR Infill

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Sand/SBR	\$ 1,439,020.00

Option 1A - North Field Turf Conversion with Sand/SBR Infill + Light North Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Sand/SBR	\$ 1,439,020.00
2	Sportslighting - North Field Only	\$ 814,330.00
3	Option 1A Total	\$ 2,253,350.00

Option 1B - North Field Turf Conversion with Sand/SBR Infill + Light North & South Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Sand/SBR	\$ 1,439,020.00
2	Sportslighting - North and South Fields	\$ 1,273,858.96
3	Option 1B Total	\$ 2,712,878.96

Option 2 - North Field Turf Conversion with Sand/SBR & Shock Pad

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Sand/SBR & Shock Pad	\$ 1,643,652.45

Option 2A - North Field Turf Conversion with Sand/SBR Infill & Shock Pad + Light North Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Sand/SBR & Shock Pad	\$ 1,643,652.45
2	Sportslighting - North Field Only	\$ 814,330.00
3	Option 2A Total	\$ 2,457,982.45

Option 2B - North Field Turf Conversion with Sand/SBR Infill & Shock Pad + Light North & South Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Cork Infill & Shock Pad	\$ 1,643,652.45
2	Sportslighting - North and South Fields	\$ 1,273,858.96
3	Option 2B Total	\$ 2,917,511.41

Option 3 - North Field Turf Conversion with Cork Infill & Shock Pad

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Cork Infill & Shock Pad	\$ 1,726,020.45

Option 3A - North Field Turf Conversion with Cork Infill & Shock Pad + Light North Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Cork Infill & Shock Pad	\$ 1,726,020.45
2	Sportslighting - North Field Only	\$ 814,330.00
3	Option 3A Total	\$ 2,540,350.45

Option 3B - North Field Turf Conversion with Cork Infill & Shock Pad + Light North & South Field

Line #	Base Bid Subtotal	Item Total / Mobilization
1	North Field Turf Conversion with Cork Infill & Shock Pad	\$ 1,726,020.45
2	Sportslighting - North and South Fields	\$ 1,273,858.96
3	Option 3B Total	\$ 2,999,879.41



RISK CHARACTERIZATION OF RECYCLED TIRE CRUMB ON SYNTHETIC TURF FIELDS

Prepared by: Michele M. Twilley, DrPH, CIH

The Cal Ripken Sr. Foundation is a major benefactor for Youth Development Parks in the United States and has installed many synthetic turf fields with crumb rubber infill. Recent concerns reported by the news media regarding cancer health effects from exposure to recycled tire crumb (crumb rubber) prompted the Cal Ripken Sr. Foundation to commission a study conducted by Jenkins Environmental of the chemical and physical properties of crumb rubber used on their fields.

Background

In 2010, the Cal Ripken, Sr. Foundation realized a need in urban communities for safe, clean spaces for children to play and engage with caring adult mentors during afterschool hours. Unfortunately, many of the recreational spaces in at-risk communities are littered with hazardous debris left behind by negative influences. The multipurpose, low-maintenance, synthetic surface Youth Development Parks give underserved youth in disadvantaged communities a place to play in an organized, recreational, and well-managed setting. Over the last six years, the Foundation created 61 Youth Development Parks in 18 states.

The need is high for access to safe and positive facilities, programs, and mentors who care about the well-being and success of children facing challenging circumstances. The parks and programs make a real difference by giving kids (ages 4 to 18) a healthy, positive environment to learn and grow. The Cal Ripken, Sr. Foundation's Youth Development Parks offer at-risk youth a place to play and youth-serving organizations a state-of-the-art facility to plan on-field afterschool programming such as lacrosse, baseball, soccer, and football programs.

At each of the youth development park facilities, the Cal Ripken Sr. Foundation partners with youth organizations, Parks and Recreation Departments, schools, and other program partners to accomplish the following goals:

- Keep kids healthy and safe with a place to play and learn after school and over the summer.
- Create an environment of discipline, self-respect, and success.
- Aid in the academic, athletic, and social success of youth.
- Provide underserved neighborhoods with vibrant community spaces for kids and their families.
- Build partnerships and engage mentors to help kids make smart choices through comprehensive youth programs.

In addition to turf fields, the Cal Ripken Sr., Foundation has built 13 Adaptive Fields for children with special needs, giving them an opportunity to play team sports and have fun, just like their typical peers. Today, over 250,000 children of all abilities have access to Youth Development Park fields across the country.

Building fields out of materials that are unsafe is not acceptable to the Cal Ripken Sr. Foundation. That is why the Cal Ripken Sr. Foundation commissioned a study of crumb rubber infilled fields to investigate the potential health risks from playing on crumb rubber. The goal of this study was to determine whether the crumb rubber infilled fields were safe for use and to make decisions about the continued development of new fields. To achieve this goal, crumb rubber, soil and air over crumb rubber and soil were sampled from ten percent of the existing inventory of fields constructed as of March 2016. Samples were collected between March 24th and May 10th, 2016 and were analyzed using standardized test methods for volatile organic compounds (VOC), semivolatile organic compounds (SVOC), metals and physical characteristics. The results of analysis were compared to existing regulations. Additionally, the concentration of each chemical detected was entered into a Risk Screening Level calculator to determine the cancer and non-cancer risk for the blend of chemicals found at each field.

Artificial Turf

Artificial turfs were first developed in the mid 1960's to increase the amount of playing surfaces that were available to children in areas where natural turfs were either unavailable or unsustainable to maintain. After complaints that artificial turfs were harder and caused more injuries than natural turfs, different types of infills began to be used to cushion artificial turfs (Claudio, 2008). Today, many artificial turfs are filled with crumb rubber. The crumb rubber is used to both cushion the surface of the artificial turfs, as well as to support the artificial blades of grass that are used to more closely mimic the surface of natural turfs. The artificial grass is primarily made from three components: polyethylene, polypropylene or nylon (Desso Sports Systems, 2016).

Crumb rubber is a substance made up of fine granules of waste tires or other rubber products. Crumb rubber is mainly produced by ambient, or cryogenic processes. In ambient production, the rubber is left at ambient room temperatures and sent through a series of grinding processes to produce fine granules of rubber as well as various separation processes to remove metal, fabric and other non-rubber materials that are found in tires. Cryogenic production uses the same basic methods as the ambient process; however, rather than ambient temperatures, the tires are exposed to liquid nitrogen to reduce temperatures down to -80°C. The tires then become brittle and glass like and are able to be crushed into small pieces and the metal and fabric in the tires are removed (Scrap Tire News, 2016). In addition to artificial turf infill, crumb rubber is also used in many other applications including construction, playground infill, landscaping as well as use in other rubber products.

The turf fields designed and installed for use by the Cal Ripken Sr. Foundation are third generation synthetic turf fields. The fields have longer polyethylene fibers and an infill of recycled tire crumb. The crumb rubber product used on all of the fields was procured from Genan US and is identified as Genan High Performance Infill. The fields that were investigated are consistent in design and construction with similar drainage base, fiber and crumb rubber infill.

Health Effects

Concern over the potential for cancer, and in particular, lymphoma among soccer goalies playing on artificial turf with crumb rubber infill gained national attention in press reports and triggered the need for additional study. According to the National Cancer Institute, Surveillance, Epidemiology and End Results Program (SEER), approximately 4 out of 10 (39%) of men and women will be diagnosed with cancer at some point during their lifetime. Of the total

number of cancer cases, 8.4% of men and women will be diagnosed with leukemia (3.6%), lymphoma (4.3%) or Hodgkin's lymphoma (0.5%). (Institute, 2016) The median age of diagnosis for leukemia and lymphoma is typically 66 years of age. Leukemia is more commonly diagnosed before the age of 20 (13.8% of new cases) than lymphoma (1.6%) for the same age group. The median age of diagnosis for Hodgkin's lymphoma is 39 years with 12.6% of new cases occurring before the age of 20. (National Cancer Institute, 2016)

A human health risk assessment is the process to estimate the nature and probability of adverse health effects in humans who may be exposed to chemicals in contaminated environmental media, now or in the future. One definition of acceptable risk that has been widely accepted in environmental regulation is lifetime exposure to a substance increases a person's chance of developing cancer by one chance in a million or less. This definition is adopted by the World Health Organization and the US EPA. (World Health Organization, 2001) (USGPO)

Exposure

The source material of concern is the crumb rubber embedded in the synthetic turf and the vapor above the turf. The potential routes of exposure include ingestion, contact with skin, inhalation, and hand to mouth. Ingestion, or the oral route of exposure, includes swallowing crumb rubber granules. Contact with skin, or the dermal route of exposure, includes contact with crumb rubber granules and dust that adheres to the skin. Inhalation, which may be through nasal or oral pathways, includes the inhalation of small particles and vapors. The hand-to-mouth route of exposure is considered for the transfer of particulate matter from the hands to the mouth via direct contact or through transfer to mouth guards, food, beverages, cosmetics, gum, tobacco, athletic equipment or clothes.

A hazard characterization study was prepared in 2015-2016 in which six Ripken Foundation fields in five states across the country were selected for testing crumb rubber, soil and air for a variety of chemical and physical hazards. The results were compared to current regulatory limits for individual chemicals or minerals established by the USEPA and the Consumer Products Safety Commission (CPSC). The study ruled out hazards associated with exposures to engineered nanomaterials. The study found lead, cadmium, mercury, and Bis(2-ethylhexyl) phthalate (DEHP) concentrations that are below the regulatory limits considered safe by the Consumer Product Safety Commission for children's products.

Each detected chemical was compared to a risk screening level last updated by the USEPA in November of 2016. Risk screening levels are based upon a number of factors but most importantly they incorporate a reference dose or reference concentration. The reference dose is a maximum acceptable oral dose of a toxic substance. It is a daily oral exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. Similarly, a reference concentration is an estimate of a continuous inhalation exposure concentration to people (including sensitive subgroups) that is likely to be without risk of deleterious effects during a lifetime. Other factors include, but are not limited to, exposure duration, exposure frequency, ingestion rate, skin exposure, and age.

Risk screening levels were generated using the chemical concentrations measured in the crumb rubber for field use by a child to young adult between the ages of 4 and 18, for 1-2 hours per day, five days per week, 50 weeks per year, for 18 years. The exposure duration reflects use by youth at school or at Boy's and Girl's Clubs and recreational use. Risk screening was calculated for ingestion, dermal exposure, and inhalation pathways and the probability of developing cancer was calculated. Additive risk values were calculated using the EPA Risk Screening Level

Calculator for all chemicals with cancer causing properties and a hazard quotient was generated for all chemicals with non-cancer health endpoints. Generally, accepted risk is one in a million or fewer excess cancers in a population from exposure. A hazard quotient less than 1 is generally accepted for non-cancer endpoints.

Several chemicals were identified in the crumb rubber that were inputted into the EPA risk screening model. These included: acetone, methyl ethyl ketone, methyl isobutyl ketone, methylene chloride, methyl acetate, m,p-xylene, o-xylene, naphthalene, toluene, 1,2,4-trimethylbenzene, propene, benzo(a)anthracene, benzo(b)fluoranthene, bis(2-ethylhexyl)phthalate, chrysene, fluoranthene, phenanthrene, pyrene, benzothiazole, arsenic, chromium, lead, magnesium, manganese, tin, barium, cadmium, cobalt, copper, strontium and zinc.

Several chemicals were tentatively identified by the laboratory as being present in the crumb rubber samples. Tentatively Identified Compounds (TICs) are chemicals that are identified during analysis and can be present in any study. The true concentration of these chemicals is not known because they cannot be compared to a known response or standard in the analytical instrument's library. Many of the chemicals are considered to be decomposition products of the compounds listed above. Very little health hazard data is reported for these chemicals. The compounds with the most information are typically approved for use as food additives. The most prevalent tentatively identified compounds included: 4-(1,1,3,3-tetramethylbutyl)-phenol, 2(3H)-Benzothiazolone, n-Hexadecanoic acid, phthalimide, 1,2-dihydro-2,2,4-trimethyl quinoline, 2-phenyl- benzothiazole, other benzothiazole compounds, other phenanthrene compounds, 9,10-dimethyl anthracene, 2,3,5-trimethylphenanthrene, 2,5-dimethylphenanthrene, and 2-methylphenanthrene.

The following chemicals detected in the air samples were included in the inhalation risk assessment: acetone, ethanol, toluene, methylene chloride, methyl isobutyl ketone (MIBK), dichlorobenzene, propene, tetrahydrofuran, n-Hexane, isopropyl alcohol, m,p-xylene, styrene, naphthalene, and phenanthrene.

The cancer risk results by field for children playing on synthetic turf fields installed by the Cal Ripken Sr. Foundation at the stated utilization rates were at or below one in a million and are considered acceptable under World Health Organization and US EPA criteria. The results are consistent with the findings from other studies (Ruffino B, 2013) (Schiliro T, 2013) (Menichini E, 2011) (Pavilonis BT, 2014; Ginsberg G, 2011) (Norwegian Institute of Public Health and the Radium Hospital, 2006).

"Risk" for non-cancer effects compares the exposure to a reference level via a ratio known as the "hazard quotient." Exposures at or below the reference level (HQ=1) are not likely to be associated with adverse health effects. As exposures increase above the reference level (i.e., HQs increase above 1), the potential for adverse effects also increases. The HQ, should not be interpreted as a probability of adverse effects. (USEPA, 2016) The non-cancer hazard quotient was below 1 for adults and in some cases higher than one for children (HQ Range: 0.9 to 4.5). Zinc and cobalt were the two minerals responsible for the increase over one. Zinc and cobalt are both essential nutrients in the human body and are found naturally in the environment. Under the exposure assumptions of 1-2 hours per day, 5 days a week per year for 18 years, it is unlikely that a typical child could ingest the amount of crumb rubber in a day over a sustained period of time to get a biologically effective dose that would contribute to adverse health effects from zinc and cobalt.

This study was in progress before the Federal government announced the US EPA, Centers for Disease Control/American Toxic Substance and Disease Registry (CDC/ATSDR), and the Consumer Product Safety Commission (CPSC) multi-agency study of recycled tire crumb used on playing fields on February 12, 2016 and the presentation of the research protocol on August 5, 2016. (USEPA, CDC, ATSDR, 2016) Jenkins Environmental is confident that the study approach, laboratory results and its interpretation of the data as they pertain to the Cal Ripken Sr. Foundation fields is scientifically sound and adds to the scientific discourse on this subject. However, new information may come to light that changes the findings expressed in this assessment. In many ways, the Federal study is an expansion of the work performed by Jenkins Environmental and will be able to address exposure factors associated with sports play and use of fields that may result in modification to the exposure assumptions used herein.

This study measured the probability of cancer or non-cancer outcomes from exposure to crumb rubber on the fields installed by the Cal Ripken Sr., Foundation and made comparisons against an acceptable risk level in the population. This study concludes that the probability of cancer or non-cancer outcomes are at an acceptable risk level for recreational exposure to crumb rubber on the fields installed by the Ripken Foundation.

The results of the study are generalizable to crumb rubber infilled sports fields of similar design, material and type of construction as those studied herein and the exposure and use factors described. It is not an endorsement of a particular field type or product. The study does not include an evaluation of ecological risk.

Limitations

This report has been prepared for the exclusive use of Jenkins Environmental, Inc. and the Ripken Foundation and/or their agents. This service has been performed in accordance with generally accepted environmental practices. No other warranty, expressed or implied, is made. Our conclusions and recommendations are based, in part, upon information provided to us by others and our site observations. The completeness or accuracy of the information provided to us by others has not yet been verified, unless otherwise noted. Observations and recommendations are based upon conditions readily visible at the sites at the time of our site visits, and upon current industry standards.

By virtue of providing the services described in this report, the preparer does not assume the responsibility of the person(s) in charge of the site, or otherwise undertake responsibility for reporting to any local, state, or federal public agencies any conditions at the site that may present a potential danger to public health, safety, or the environment. It is the Client's responsibility to notify the appropriate local, state, or federal public agencies as required by law, or otherwise to disclose, in a timely manner, any information that may be necessary to prevent any danger to public health, safety, or the environment. Under this scope of services, the preparer assumes no responsibility regarding response actions initiated as a result of these findings. Response actions are the sole responsibility of the Client and should be conducted in accordance with local, state, and/or federal requirements, and should be performed by appropriately licensed personnel as warranted.

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**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5313
June 5, 2017
Regular Business**

**PLANNING COMMISSION'S
RECOMMENDATION FOR RESIDENTIAL
DEVELOPMENT STANDARDS CODE
AMENDMENTS (1ST READING)**

Proposed Council Action:

Conduct first reading of Ordinance No. 17C-15, provide staff with any requested changes, and advance Ordinance No. 17C-15 to second reading.

DEPARTMENT OF

Development Services Group (Evan Maxim)

COUNCIL LIAISON

n/a

EXHIBITS

1. Proposed Ordinance No. 17C-15 with Attachment A
2. Planning Commission Accompanying Recommendations
3. Staff Report Planning Commission
4. Written Public Comments
5. Scope of Work Memorandum, dated October 19, 2016
6. Residential Development Standards - Recommendation Summary Memorandum, dated May 31, 2017
7. Staff Recommended Amendments, dated May 31, 2017

2017-2018 CITY COUNCIL GOAL

2. Maintain the City's Residential Character

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

In August of 2016, the City Council approved the scope of work for the Residential Development Standards code amendments, which was used as the starting point for the Planning Commission's review (Exhibit 5). The scope of work identified the primary concern of the council and the community as the "*rapidly changing character of Mercer Island's single family neighborhoods*"; and directed the Planning Commission to evaluate seventeen different areas of focus.

The City Council also requested that the Planning Commission engage in a rigorous community engagement process to ensure sufficient community input in the review of any proposed amendments to the residential development standards. The Planning Commission's outreach efforts have resulted in approximately 400 written public comments (Exhibit 4), and an estimated 15 hours of verbal public testimony to the Planning Commission.

Over the course of more than a dozen public meetings, community meetings, and a public hearing on April 5, 2017, the Planning Commission has carefully reviewed the residential development standards and identified a number of proposed amendments for City Council adoption. On May 17, 2017 following a

thorough review of the staff report (Exhibit 3), the ordinance and draft code, voting on more than 30 separate amendments that included proposed amendments generated by the public, the Planning Commission unanimously recommended that the City Council adopt Ordinance 17C-15 with Attachment A (Exhibit 1). The Planning Commission also unanimously recommended that the City Council review and, if appropriate, provide further direction on several policy items identified during the review of the draft code amendment (Exhibit 2).

PROPOSED CODE AMENDMENT

A summary of the proposed code amendments is contained in Exhibit 6. Following a review of the Planning Commission's recommended amendments, staff has also prepared a set of recommended amendments to the draft regulations for the City Council's review. A summary of these amendments, together with a brief rationale is contained in Exhibit 7.

CITY COUNCIL REVIEW PROCESS

Following the Planning Commission's presentation of their recommendations to the City Council, the City Council is scheduled to hold a final public hearing on June 12, 2017, which will be followed by deliberations on June 19, 2017, and adoption of the amended code on July 17, 2017. More time to reach a decision on the proposed amendments is possible as there is no deadline for making the decision. Looking ahead to this final phase of the code amendment process, staff has refined the community outreach strategy to solicit additional community involvement and input, focused on the June 12 Public Hearing. Staff are planning to utilize the following outreach approaches:

- Signs and posters in highly visible locations and community gathering places around the island
- Website, MI Weekly and email updates (to our list of 500+ interested individuals)
- Social media – posts to NextDoor, Facebook and Twitter
- Facebook advertising to boost posts to everyone with a Mercer Island affiliation
- Print and online ads in the Mercer Island Reporter
- Outreach to journalists with the MI Reporter and My Mercer Island blog to provide updates on the process and proposed code amendments to generate additional media coverage.

RECOMMENDATION

Planning Commission and Planning Manager

Conduct first reading and provide staff initial direction for changes to Ordinance No. 17C-15

MOVE TO: Set Ordinance No. 17C-15 for second reading and adoption on July 17, 2017.

**CITY OF MERCER ISLAND
ORDINANCE NO. 17C-15**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING
MERCER ISLAND CITY CODE TITLES 8, 17 AND 19 MICC ON
RESIDENTIAL DEVELOPMENT STANDARDS, PERMITTING
CORRECTION OF SCRIVENER'S ERROR DURING CODIFICATION,
AUTHORIZING ISSUANCE OF INTERPRETATIONS AND RULES TO
ADMINISTER THE AMENDED CODE, PROVIDING FOR
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Mercer Island City Code (MICC) establishes development regulations that are intended to result in the implementation of the Mercer Island Comprehensive Plan pursuant to RCW 36.70A.040; and,

WHEREAS, the Mercer Island City Council determined that amendments to the development regulations were necessary to ensure that residential development was occurring consistent with the provisions of the Mercer Island Comprehensive Plan; and,

WHEREAS, the Mercer Island City Council directed the Planning Commission to review the residential development standards and provide a recommendation to the City Council; and,

WHEREAS, the Mercer Island Planning Commission engaged in a thorough review of the residential development standards, hosted three community meetings, held a public hearing on April 5, 2017, reviewed myriad written comments from the public, and held 14 public meetings to consider amendments to the residential development standards; and,

WHEREAS, the Mercer Island Planning Commission has unanimously recommended adoption of the proposed amendments to the residential development standards; and,

WHEREAS, the Mercer Island Comprehensive Plan Land Use Element and Housing Element establish numerous goals and policies that are implemented through the adoption of revised residential development standards; and,

WHEREAS, a SEPA Determination of Non Significance was issued by the City on March 20, 2017; and,

WHEREAS, the Washington Department of Commerce granted expedited review of the proposed amendments to the development regulations on April 20, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND,
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: **Adoption of amendments to Titles 8, 17, and 19 of the Mercer Island City Code.** The amendments to the Mercer Island City Code as set forth in Attachment "A" to this ordinance are hereby adopted.

Section 2: **Codification of the regulations.** The City Council authorizes the Development Services Group Director and the City Clerk to correct errors in Attachment A, codify the regulatory provisions of the amendment into Titles 8, 17, and 19 of the Mercer Island City Code, and publish the amended code.

Section 3: **Interpretation.** The City Council authorizes the Development Services Group Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

Section 4: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 5: **Effective Date.** This Ordinance shall take effect and be in force on 5 days after its passage and publication of summary consisting of its title.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the _____ day of _____ 2017 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Allison Spietz, City Clerk

Date of Publication: _____

PLANNING COMMISSION – RECOMMENDATION DRAFT
Draft Zoning Text Amendments
Residential Development Standards

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NUISANCE CONTROL CODE

8.24.020 Types of nuisances

CONSTRUCTION ADMINISTRATIVE CODE

17.14.010 Adoption

GENERAL PROVISIONS

19.01.050 Nonconforming structures, sites, lots and uses.

19.01.070 Variance and deviation procedures.

RESIDENTIAL

19.02.010 Single-family.

19.02.020 Lot requirements.

19.02.030 Accessory dwelling units.

19.02.040 Garages and other accessory buildings.

19.02.050 Fences, retaining walls and rockeries.

SUBDIVISIONS

19.08.020 Application procedures and requirements.

19.08.030 Design standards.

19.08.040 Plat improvements.

19.08.050 Final plats.

PROPERTY DEVELOPMENT

19.09.090 Building pad.

19.09.100 Preferred practices.

TREES

19.10.010 Purpose

19.10.020 Permit required.

19.10.030 Exemptions.

19.10.040 Tree removal review and approval.

19.10.050 Tree removal – Not associated with development proposal.

19.10.060 Tree retention associated with development proposal.

19.10.070 Tree replacement required.

19.10.080 Tree protection standards.

19.10.090 Application requirements.

19.10.100 Trees on public property.

19.10.110 Seasonal development limitations

19.10.120 Rounding.

- 1 19.10.130 Nuisance abatement.
- 2 19.10.140 Appeals.
- 3 19.10.150 Enforcement.

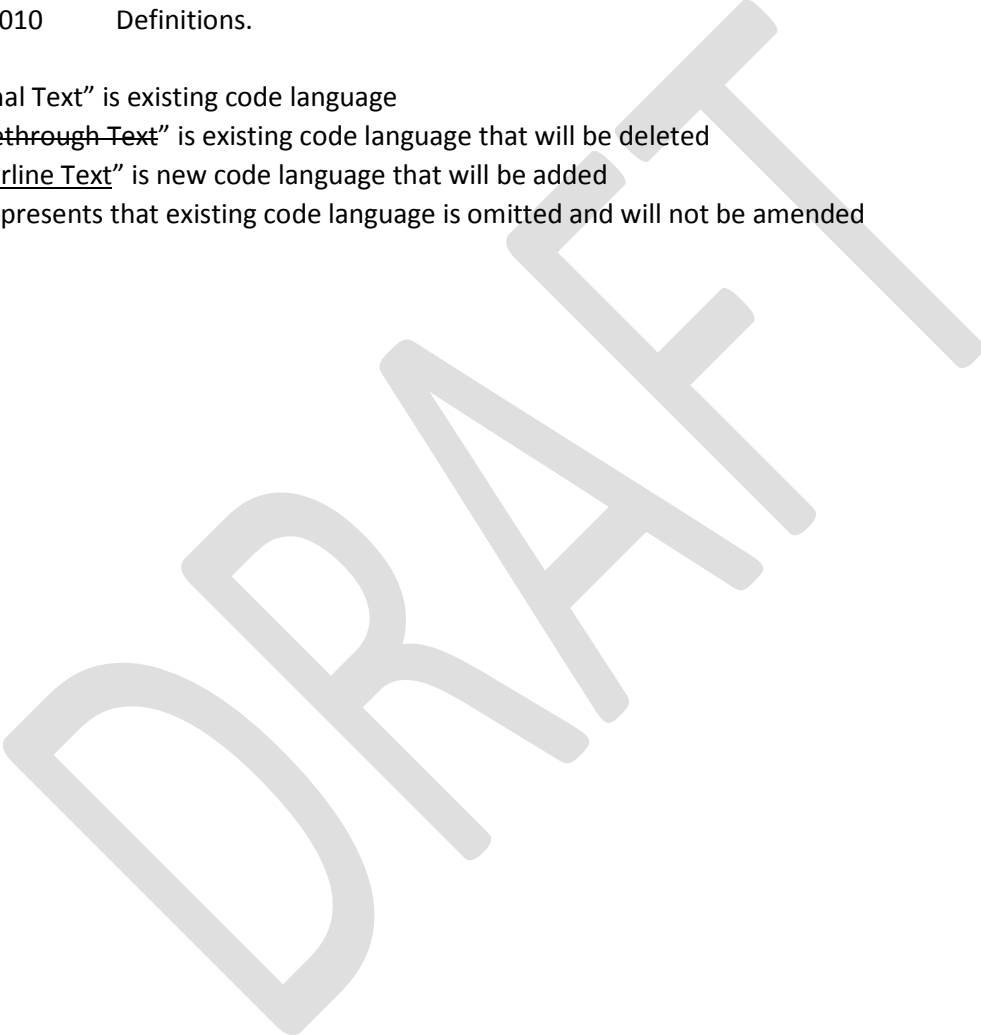
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5 ADMINISTRATION

- 6 19.15.010 General procedures.
- 7 19.15.020 Permit review procedures.

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9 DEFINITIONS

- 10 19.16.010 Definitions.

11
12 "Normal Text" is existing code language
13 "~~Strikethrough Text~~" is existing code language that will be deleted
14 "Underline Text" is new code language that will be added
15 "... " represents that existing code language is omitted and will not be amended
16
17
18



1 Chapter 8.24
2 NUISANCE CONTROL CODE
3

4 **8.24.020 Types of nuisances.**

5 Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to
6 constitute a public nuisance, and is subject to criminal enforcement and penalties as provided in this
7 chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of
8 these conditions, actions or activities exist upon any premises or in any lake, river, stream, drainage way
9 or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

10 ...

11 ~~Q. Production of any of the following sounds or noises between the hours of 10 pm to 7 am on Mondays~~
12 ~~through Fridays, excluding legal holidays, and between the hours of 10 pm and 9 am on Saturdays and~~
13 ~~Sundays and legal holidays, except in the cases of bona fide emergency or under permit from the city~~
14 ~~building department in case of demonstrated necessity:~~

- 15 ~~1. Sounds caused by the construction or repair of any building or structure,~~
- 16 ~~2. Sounds caused by construction, maintenance, repair, clearing or landscaping,~~
- 17 ~~3. Sounds created by the installation or repair of utility services,~~
- 18 ~~4. Sounds created by construction equipment including special construction vehicles.~~

19 ~~It is intended that the sounds described in this subsection refer to sounds heard beyond the property~~
20 ~~line of the source;~~

21 Q. Sounds from permitted activity.

- 22 1. The intent of this section is to regulate sounds heard beyond the property line of the source
23 for activity authorized by a permit issued by the City.
- 24 2. Sounds shall only be allowed between the hours of 7am to 7pm on Mondays through
25 Fridays, and between the hours of 9am and 6pm on Saturdays.
- 26 3. Sounds shall be prohibited at any time of day on Sunday and legal holidays.
- 27 4. The following sounds are explicitly regulated by this section:
 - 28 a. Sounds caused by the construction or repair of any building or structure;
 - 29 b. Sounds caused by construction, maintenance, repair, clearing or landscaping;
 - 30 c. Sounds created by the installation or repair of utility services; and,
 - 31 d. Sounds created by construction equipment including special construction vehicles.
- 32 5. The enforcement officer may authorize a variance to this section pursuant to Chapter 173-
33 60 of the Washington Administrative Code (WAC).

1 Chapter 17.14
2 CONSTRUCTION ADMINISTRATIVE CODE

3
4 **17.14.010 Adoption.**

5 The Construction Administrative Code is hereby adopted as follows:

6 ...

7 105.5 Expiration.

8
9 1. Every permit issued shall expire two years from the date of issuance. For non-residential or
10 mixed use construction, ~~the~~ building official may approve a request for an extended expiration
11 date where a construction schedule is provided by the applicant and approved prior to permit
12 issuance.

13
14 2. The building official may approve a request to renew a permit if an additional fee has been
15 paid, a construction schedule and management plan is provided and approved, and no changes
16 have been made to the originally approved plans by the applicant. Every permit that has been
17 expired for one year or less may be renewed for a period of one year for an additional fee as
18 long as no changes have been made to the originally approved plans. Requests for permit
19 renewals shall be submitted prior to permit expiration. When determining whether to approve
20 a building permit renewal, the building official may consider whether a previously approved
21 construction schedule for the building permit has been adhered to by the applicant. In cases
22 where a construction schedule has not been adhered to due to reasonably unforeseeable
23 delays, the building official may authorize renewal of the permit. Renewed permits shall expire
24 3 years from the date of issuance of the original permit. The building official shall not authorize
25 a permit renewal if the construction schedule supplied with the renewal request will not result
26 in the completion of work within the time period authorized under the permit renewal. For
27 permits that have been expired for longer than one year, a new permit must be obtained and
28 new fees paid. No permit shall be renewed more than once.

29
30 3. Electrical, mechanical and plumbing permits shall expire at the same time as the associated
31 building permit except that if no associated building permit is issued, the electrical, mechanical
32 and/or plumbing permit shall expire 180 days from issuance.

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34 4. The building official may authorize a 30-day extension to an expired permit for the purpose of
35 performing a final inspection and closing out the permit as long as not more than 180 days has
36 passed since the permit expired. The 30-day extension would commence on the date of written
37 approval. If work required under a final inspection is not completed within the 30-day extension
38 period, the permit shall expire. However, the building official may authorize an additional 30-
39 day extension if conditions outside of the applicant's control exist and the applicant is making a
40 good faith effort to complete the permitted work.

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43 105.6 Construction management plan and construction schedule.

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1. Every permit issued for the construction of a new single family home with a gross floor area of more than 6,000 square feet, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.
2. Every permit issued for the remodel or addition to a single family home that will result in the modification of more than 6,000 square feet gross floor area, or the addition of more than 3,000 square feet gross floor area, or as required for a permit renewal under section 105, shall provide a construction management plan and a construction schedule for approval by the building official.
3. The construction management plan shall include measures to mitigate impacts resulting from construction noise, deliveries and trucking, dust / dirt, use of the street for construction related staging and parking, off-site parking, and haul routes. The building official may require additional information as needed to identify and establish appropriate mitigation measures for construction related impacts.
4. The construction schedule shall identify major milestones, anticipated future phases, and anticipated completion dates. The construction schedule shall establish a timeline for completion of exterior and interior building related construction activity and site work. The construction schedule shall incorporate appropriate measures to address unforeseeable delays and shall provide for contingencies. The building official may require additional information or revisions to the construction schedule.
5. The building official is authorized to take corrective measures as needed to ensure adherence to the approved construction management plan and construction schedule.

1 Chapter 19.01
2 GENERAL PROVISIONS

3
4 ...

5
6 **19.01.050 Nonconforming structures, sites, lots and uses.**

7
8 A. General.

9
10 ...

11
12 7. Deviations. Existing structures and sites resulting from the approval of a previous deviation shall be considered "conforming" structures or sites, provided the structure or site complies with the deviation approval. Structures and sites resulting from a prior deviation approval are not subject to the provisions of Chapter 19.01 MICC

13
14
15
16
17
18 B. Repairs and Maintenance.

19
20 1. Ordinary Repairs and Maintenance. Ordinary repairs and maintenance of a legally
21 nonconforming structure are permitted. In no event may any repair or maintenance result in the
22 expansion of any existing nonconformity or the creation of any new nonconformity.

23
24 2. Decks. Repair and maintenance of a legally nonconforming deck, including total replacement,
25 is allowed, as long as there is no increase in the legal nonconformity and no new
26 nonconformances are created; provided, ~~in the R-8.4 zone,~~ any portion of a nonconforming deck
27 that is in a side yard and less than five feet from an interior lot line may be replaced only if the
28 deck is reconstructed to comply with current minimum side yard requirements.

29
30 ...

31
32 F. Nonconforming Sites.

33
34 1. Impervious Surface Coverage Limitation. A structure on a site that is legally nonconforming
35 because the maximum allowable surface coverage has been exceeded can be increased in
36 height and gross floor area (up to the maximum ~~height~~ permitted). No new impervious surfaces
37 are permitted outside the footprint of an existing structure unless the site is either brought into
38 conformance with all applicable impervious surface limitations or two square feet of legally
39 existing impervious surface is removed for every one square foot of new impervious surface.

40
41 2. Parking Requirements. These parking requirements apply to subsections (F)(2)(a) and (c) of
42 this section in the event of an intentional exterior alteration or enlargement, but do not apply in
43 the event of reconstruction following a catastrophic loss. In the event of catastrophic loss,
44 nonconforming parking may be restored to its previous legally nonconforming configuration.

1
2 a. Detached Single-family Dwelling Site. A proposed addition of more than 500 square
3 feet of gross floor area to a detached single-family dwelling site, ~~which that~~ is legally
4 nonconforming because it does not provide the number and type of parking spaces
5 required by current code provisions, shall provide parking spaces as provided by MICC
6 19.02.020(~~GE~~)(1).
7

8 b. Town Center. A structure in the Town Center that is legally nonconforming because it
9 does not provide the number and type of parking spaces required by current code
10 provisions shall provide parking spaces as required by MICC 19.11.130(B)(1)(a) and
11 subsections (1)(1) and (2) of this section, as applicable.
12

13 c. Sites Other Than for a Detached Single-Family Dwelling or in Town Center.
14

15 i. New Development and Remodels. A site other than those identified in
16 subsections (F)(2)(a) and (b) of this section that is legally nonconforming
17 because it does not provide the number or type of parking spaces required by
18 current code provisions shall provide parking spaces as required by the current
19 code provisions for the zone where the site is situated for all new development
20 and remodels greater than 10 percent of the existing gross floor area.
21

22 ii. Change of Use. A site other than those identified in subsection (F)(2)(a) and
23 (b) of this section that is legally nonconforming because it does not provide the
24 number or type of parking spaces required by current code provisions shall
25 provide parking spaces as required by the current code provisions for the zone
26 where the site is situated whenever there is a change of use.
27

28 3. Landscaping, Open Space and Buffer Requirements.

29 a. Regulated improvements. A site developed with a regulated improvement shall be
30 brought into conformance with current code requirements for landscaping, open space
31 and buffers, A site's landscaping, open space and buffers shall be brought into
32 conformance with current code requirements whenever a structure or use on the site
33 loses its legal nonconforming status. Landscaping, open spaces and buffers should be
34 brought into conformance with current code requirements as much as is feasible
35 whenever any changes are made to a legal nonconforming structure.

36 b. Single family landscaping. A site developed with a single family dwelling that is legally
37 nonconforming because the minimum landscaping required pursuant to Chapter 19.02
38 MICC has not been established or because maximum allowable hardscape has been
39 exceeded can be increased in height and gross floor area (up to the maximum height
40 and gross floor area permitted). No new hardscape or further reduction in landscaping
41 area is permitted unless:

42 i) The site is either brought into conformance with all applicable landscape
43 requirements; or,

- 1 ii) Two square feet of legally existing hardscape is removed for every one square
- 2 foot of new hardscape; or,
- 3 iii) Two square feet of landscaping area is provided for every one square feet of
- 4 additional non-landscaping area.

5
6 ...

7
8
9 **19.01.070 Variance and deviation procedures.**

10 An applicant for a permit under this development code may request a variance or deviation from those
11 numeric standards set out in the code that are applicable to the permit. The applicant shall make such a
12 request to the official or body designated in MICC 19.15.010 (E).

13
14 **A. Variance.**

15
16 1. An applicant may request a variance from any numeric standard applicable to the permit or
17 from any other standard that has been specifically designated as being subject to a variance.

18
19 2. A variance may be granted if the applicant demonstrates that the criteria set out in MICC
20 19.15.020(G)(4), and any additional variance criteria set out in the code section under which the
21 permit would be issued, are satisfied.

22
23 **B. Deviation.**

24 1. An applicant may request a deviation only from those numeric standards that have been
25 specifically designated as being subject to a deviation.

26 2. A deviation may be granted if the applicant demonstrates that the criteria set out in MICC
27 19.15.020(G)(5), and any additional deviation criteria set out in the code section under which
28 the permit would be issued, are satisfied.

29
30
31

1 Chapter 19.02
2 RESIDENTIAL

3
4 **19.02.005 Purpose and applicability.**

5 A. Purpose. The purpose of the residential chapter is to identify land uses and to establish development
6 standards that are appropriate within the residential zoning designations. The development standards
7 provide a framework for a site to be developed consistent with the policy direction of the adopted
8 Mercer Island Comprehensive Plan.

9
10 B. Applicability.

- 11 1. The provisions of this chapter shall apply to all development proposals in the R-8.4, R-9.6, R-
12 12, and R-15 zoning designations.
13 2. Unless otherwise indicated in this chapter, the applicant shall be responsible for the
14 initiation, preparation, and submission of all required plans or other documents prepared in
15 support of or necessary to obtain a permit and to determine compliance with this chapter.

16
17 **19.02.010 Single-family.**

18 ...
19
20
21 D. Building Height Limit. No building shall exceed 30 feet in height above the average building elevation
22 to the top of the structure except that on the downhill side of a sloping lot the building may extend to a
23 height of 35 feet measured from existing grade to the top of the exterior wall facade supporting the roof
24 framing, rafters, trusses, etc.; provided, the roof ridge does not exceed 30 feet in height above the
25 average building elevation. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads,
26 chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above
27 the height allowed for the main structure.

28
29 The formula for calculating average building elevation is as follows:

30
31 **Formula:**

32
33 Average Building Elevation = (Mid-point Elevation of Individual Wall Segment) x (Length of Individual
34 Wall Segment) ÷ (Total Length of Wall Segments)

35
36 See Appendix G, Calculating Average Building Elevation.

37
38 **E. Gross Floor Area.**

- 39
40 1. The gross floor area of a single-family structure shall not exceed 45 percent of the lot
41 area.

1 ~~2. Lots created in a subdivision through MICC 19.08.030(G), Optional Standards for~~
2 ~~Development, may apply the square footage from the open space tract to the lot area not to~~
3 ~~exceed the minimum square footage of the zone in which the lot is located.~~
4
5

6 **19.02.020 ~~Lot requirements~~Development Standards.**

7 A. Minimum Net Lot Area.

8
9 R-8.4: The net lot area shall be at least 8,400 square feet. Lot
10 width shall be at least 60 feet and lot depth shall be at
11 least 80 feet.
12

13 R-9.6: The net lot area shall be at least 9,600 square feet. Lot
14 width shall be at least 75 feet and lot depth shall be at
15 least 80 feet.
16

17 R-12: The net lot area shall be at least 12,000 square feet. Lot
18 width shall be at least 75 feet and lot depth shall be at
19 least 80 feet.
20

21 R-15: The net lot area shall be at least 15,000 square feet. Lot
22 width shall be at least 90 feet and lot depth shall be at
23 least 80 feet.
24

25 1. Minimum net lot area requirements do not apply to any lot that came into existence before
26 September 28, 1960; ~~however structures may be erected on the lot only if those structures~~
27 ~~comply with all other restrictions governing the zone in which the lot is located. In order to be~~
28 ~~used as a building site, lots that do not meet minimum net lot area requirements shall comply~~
29 ~~with MICC 19.01.050(G)(3).~~
30

31 2. In determining whether a lot complies with the minimum net lot area requirements, the
32 following shall be excluded: the area between lateral lines of any such lot and any part of such
33 lot which is part of a street.
34

35 B. Street Frontage. No building will be permitted on a lot that does not front onto a street acceptable to
36 the city as substantially complying with the standards established for streets.
37

38 C. Yard Requirements.

39
40 1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and
41 side yards not less than the depths or widths following:
42

43 a. Front yard depth: 20 feet or more.
44

1 b. Rear yard depth: 25 feet or more.

2
3 c. Side yards shall be provided as follows:

4 i. Total depth:

5 (1) For lots with a lot width of 90 feet or less, the sum of the side yards
6 depth shall be at least 15 feet.

7 (2) For lots with a lot width of more than 90 feet, the sum of the side
8 yards depth shall be a width that is equal to at least 17 percent of the
9 lot width.

10 ii. Minimum side yard depth:

11 (1) The minimum side yard depth abutting an interior lot line is 5 feet
12 or 33% of the side yard total depth, whichever is greater.

13 (2) The minimum side yard depth abutting a street is 10 feet.

14 iii. Variable side yard depth requirement: For lots with an area of 6,000 square
15 feet or more, the minimum side yard depth abutting an interior lot line shall be
16 increased as follows:

17 (1) Single family dwellings shall provide a minimum side yard depth of
18 7.5 feet if the building:

19 a. For non-gabled roof end buildings, the height is more than
20 15 feet measured from the finished grade to the top of the
21 exterior wall facade adjoining the side yard, or;

22 b. For gabled roof end buildings, the height is more than 18
23 feet measured from the finished grade to the top of the
24 gabled roof end adjoining the side yard.

25 (2) Single family dwellings with a height of more than 25 feet measured
26 from the finished grade to the top of the exterior wall facade
27 adjoining the side yard, shall provide a minimum side yard depth of
28 10 feet.

29
30 ~~depth: The sum of the side yards shall be at least 15 feet; provided, no side yard~~
31 ~~abutting an interior lot line shall be less than five feet, and no side yard abutting a street~~
32 ~~shall be less than 10 feet.~~

33
34 2. Yard Determination.

35
36 a. Front Yard. The front yard is the yard abutting an improved street from which the lot
37 gains primary access or the yard abutting the entrance to a building and extending the
38 full width of the lot. If this definition does not establish a front yard setback, the code
39 official shall establish the front yard based upon orientation of the lot to surrounding
40 lots and the means of access to the lot.

41
42 i. Waterfront Lot. On a waterfront lot, regardless of the location of access to the
43 lot, the front yard may be measured from the property line opposite and
44 generally parallel to the ordinary high water line.

1
2 b. Rear Yard. The rear yard is the yard opposite the front yard. The rear yard shall
3 extend across the full width of the rear of the lot, and shall be measured between the
4 rear line of the lot and the nearest point of the main building including an enclosed or
5 covered porch. If this definition does not establish a rear yard setback for irregular
6 shaped lots, the code official may establish the rear yard based on the following
7 method: The rear yard shall be measured from a line or lines drawn from side lot line(s)
8 to side lot line(s), at least 10 feet in length, parallel to and at a maximum distance from
9 the front lot line.

10
11 c. Corner Lots. On corner lots the front yard shall be measured from the narrowest
12 dimension of the lot abutting a street. The yard adjacent to the widest dimension of the
13 lot abutting a street shall be a side yard. If a setback equivalent to or greater than
14 required for a front yard is provided along the property lines abutting both streets, then
15 only one of the remaining setbacks must be a rear yard. This code section shall apply
16 except as provided for in MICC 19.08.030(F)(1).

17
18 d. Side Yard. Any yards not designated as a front or rear yard shall be defined as a side
19 yard.
20

21 3. Intrusions into Required Yards.

22 a. Minor Building Elements.

23
24 i. Except as provided in subsection "ii." below, Porches, chimney(s) and
25 fireplace extensions, window wells, and unroofed, unenclosed outside stairways
26 and decks shall not project more than three feet into any required yard. Eaves
27 shall not protrude more than 18 inches into any required yard.; ~~provided,~~
28 ii. ~~No~~ penetration shall be allowed into the minimum ~~five foot~~ side yard
29 setback abutting an interior lot line except where an existing flat roofed house
30 has been built to the interior side yard setback line and the roof is changed to a
31 pitched roof with a minimum pitch of 4:12, the eaves may penetrate up to 18
32 inches into the side yard setback.

33
34 b. Platforms, Walks, and Driveways. Platforms, walks, at-grade stairs, and driveways not
35 more than 30 inches above existing grade or finished grade may be located in any
36 required yard.

37
38 c. Fences, Retaining Walls and Rockeries. Fences, retaining walls and rockeries are
39 allowed in required yards as provided in MICC 19.02.050.

40
41 d. Garages and Other Accessory Buildings. Garages and other accessory buildings are not
42 allowed in required yards, except as provided in MICC 19.02.040.
43

1 e. Heat Pumps, Air Compressors, Air Conditioning Units, and Other Similar Mechanical
2 Equipment. Heat pumps, air compressors, air conditioning units, and other similar
3 mechanical equipment may be located within any required yard provided they will not
4 exceed the maximum permissible noise levels set forth in WAC 173-60-040, which is
5 hereby incorporated as though fully set forth herein. Any such equipment shall not be
6 located within three feet of any lot line.

7
8 f. Architectural Features. ~~Detached, F~~reestanding architectural features such as
9 columns or pedestals that designate an entrance to a walkway or driveway and do not
10 exceed 42 inches in height are allowed in required yards.

11
12 g. Other Structures. Except as otherwise allowed in this subsection (C)(3), structures
13 over 30 inches in height from existing grade or finished grade, whichever is lower, may
14 not be constructed in or otherwise intrude into a required yard.

15
16 4. Setback Deviation. The Code Official may approve a deviation to front and rear setbacks pursuant to
17 MICC 19.15.020.

18 ~~4. Setback Deviation. On any lot with a critical area that makes it impractical to locate a building~~
19 ~~pad on the lot except by intruding into required yards, the code official shall have discretion to~~
20 ~~grant a deviation from yard setbacks for single lots, subdivisions and lot line revisions.~~

21
22 ~~a. The city shall provide notice of the proposed action as required by MICC 19.15.020(D)~~
23 ~~and (E).~~

24
25 ~~b. The decision to grant the deviation shall be pursuant to procedures contained in MICC~~
26 ~~19.15.010(E) and 19.15.020(G)(5).~~

27
28 ~~c. In granting any such deviation, the code official may require the submission of any~~
29 ~~reasonably necessary information.~~

30
31 ~~d. Yard setbacks shall not be reduced below the following minimums:~~

32
33 ~~i. Front and rear setbacks may not be reduced to less than 10 feet each;~~

34
35 ~~ii. Side setbacks may not be reduced to less than five feet.~~

36
37 D. Gross Floor Area.

38
39 1. The gross floor area of all buildings shall not exceed the lesser of:

40 a. 40 percent of the lot area; and

41
42 b. The following limit shall apply to single family dwellings and accessory buildings
43 based upon the zoning designation of the lot upon which the building is established:

- i. R-8.4: 5,000 square feet.
- ii. R-9.6: 8,000 square feet.
- iii. R-12: 10,000 square feet.
- iv. R-15: 12,000 square feet.

2. Gross floor area calculation. The gross floor area is the sum of the floor area(s) bounded by the exterior faces of each building on a residential lot, provided:

- a. The gross floor area shall be 150% of the floor area of that portion of a room(s) with a ceiling height of 10 feet to 16 feet, measured from the floor surface to the ceiling.
- b. The gross floor area shall be 200% of the floor area of that portion of a room(s) with a ceiling height of more than 16 feet, measured from the floor surface to the ceiling.
- c. Stair cases shall be counted as a single floor for the first two stories accessed by the stair case. Each additional story above two stories, the stair case shall count as a single floor area. For example, a stair case with a 10 foot by 10 foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).

3. The allowed gross floor area of a single family dwelling may be increased from 40 percent of the lot area to 45 percent of the lot area, provided:

a. The combined total gross floor area of the single family dwelling and accessory buildings does not exceed the maximum allowed pursuant to subsection MICC 19.02.020(D)(1)(b) above; and

b. The allowed gross floor area of accessory buildings that are not partially or entirely used for an accessory dwelling unit shall not be increased through the use of this provision; and

c. The lot contains:

i. An accessory dwelling unit associated with the application for a new single family home; or

ii. A single family dwelling with at least one floor designed to accommodate a person or persons having a handicap or disability, within the meaning of the Fair Housing Amendments Act (FHAA), 42 U.S.C. 3602(h) or the Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW. To qualify under this subsection, the main floor of the single family dwelling shall be designed to provide the following, consistent with the following summary of Fair Housing Act design requirements with no exception for site impracticality:

- 1. An accessible building entrance with a minimum of 36 inches clear on an accessible route;
- 2. Accessible doors with a minimum 32 inch clear width opening;
- 3. Accessible routes into and through the building, including a minimum clear width of 36 inches, changes in floor height limited to a 1/4 inch or less;

4. Light switches, electrical outlets, thermostats, and other environmental controls are located no higher than 48 inches and no lower than 15 inches;
 5. Reinforced walls in bathrooms for later installation of grab bars;
 6. Usable kitchens and bathrooms as described in the Fair Housing Accessibility guidelines, as amended; and,
- d. The total gross floor area authorized pursuant to subsection "b." above shall not exceed 5,000 square feet.

4. Lots created in a subdivision through MICC 19.08.030(G), Optional Standards for Development, may apply the square footage from the open space tract to the lot area not to exceed the minimum square footage of the zone in which the lot is located.

E. Building Height Limit.

1. Maximum building height. No building shall exceed 30 feet in height above the average building elevation to the highest point of the roof.
2. Maximum building height on downhill building façade. The maximum building façade height on the downhill side of a sloping lot shall not exceed 30 feet in height measured from existing grade or finished grade, whichever is lower, to the top of the exterior wall façade supporting the roof framing, rafters, trusses, etc.
3. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure in subsections "1." and "2." above.
4. The formula for calculating average building elevation is as follows:

Formula:

$$\text{Average Building Elevation} = (\text{Mid-point Elevation of Individual Wall Segment}) \times (\text{Length of Individual Wall Segment}) \div (\text{Total Length of Wall Segments})$$

See Appendix G, Calculating Average Building Elevation.

F. Lot Coverage – Single family dwellings.

1. Applicability. This section shall apply to the development of single family dwellings including, but not limited to, the remodeling and construction of new single family dwellings. This section does not apply to regulated improvements.
2. Landscaping objective.

1 a. To ensure that landscape design reinforces the natural and wooded character of
2 Mercer Island, complements the site, the architecture of site structures and paved
3 areas, while maintaining the visual appearance of the neighborhood.

4
5 b. To ensure that landscape design is based on a strong, unified, coherent, and
6 aesthetically pleasing landscape concept.

7
8 c. To ensure that landscape plantings, earth forms, and outdoor spaces are designed to
9 provide a transition between each other and between the built and natural
10 environment.

11
12 d. To ensure suitable natural vegetation and landforms, particularly mature trees and
13 topography, are preserved where feasible and integrated into the overall landscape
14 design. Large trees and tree stands should be maintained in lieu of using new plantings.

15
16 e. To ensure planting designs include a suitable combination of trees, shrubs,
17 groundcovers, vines, and herbaceous material; include a combination of deciduous and
18 evergreen plant material; emphasize native plant material; provide drought tolerant
19 species; and exclude invasive species.

20
21 3. Lot coverage - landscaping Required.

22 a. Minimum area required. Development proposals for single family dwellings shall
23 provide the following minimum landscaping area based on the net lot area:

<u>Lot Slope</u>	<u>Maximum Lot Coverage (house, driving surfaces, and accessory buildings)</u>	<u>Landscaping Area Required (percentage of net lot area)</u>
<u>Less than 15%</u>	<u>40%</u>	<u>60%</u>
<u>15% to less than 30%</u>	<u>35%</u>	<u>65%</u>
<u>30% to 50%</u>	<u>30%</u>	<u>70%</u>
<u>Greater than 50% slope</u>	<u>20%</u>	<u>80%</u>

24 b. Hardscape, softscape, and driveways.

25 i. A minimum of 80% of the required landscaped area in subsection "a." above,
26 shall consist of softscape improvements.

27 ii. A maximum of 20% of the required landscaped area in subsection "a." above,
28 may consist of hardscape improvements including, but not limited to,
29 walkways, decks, etc. Provided that an at-grade, pervious sport court or similar
30 pervious recreational improvement with an area of up to 1,200 square is
31 exempt from the hardscape limitation within the landscaping area.

32 iii. Driveways are prohibited within the landscaping area.

33 For example, a flat lot with a net area of 10,000 square feet shall provide a minimum
34 6,000 square feet of landscaped area. Up to 1,200 square feet of the landscaped area
35 may be used for a walkway, patio, or deck or other hardscape area. An additional 1,200
36 square feet of the landscaped area may be used as an at-grade pervious sport court or
37 similar recreational area. The remainder of the area shall be used for softscape
38 improvements, such as landscaping, tree retention, etc.

1
2 3. ~~Deviation. The code official may grant a deviation, allowing an additional five percent of lot~~
3 ~~coverage over the maximum requirements; provided, the applicant demonstrates through the~~
4 ~~submittal of an application and supporting documentation that the proposal meets one of the~~
5 ~~following criteria:~~

6
7 a. ~~The proposal uses preferred practices, outlined in MICC 19.09.100, which are~~
8 ~~appropriate for the lot; or~~

9
10 b. ~~The lot has a unique shape or proportions (i.e., a flag lot, with a circuitous driveway~~
11 ~~corridor); or~~

12
13 c. ~~The proposal minimizes impacts to critical areas and provides the minimum extent~~
14 ~~possible for the additional impervious surfaces.~~

15
16 ~~The city shall provide notice for the proposed action as required by MICC 19.15.020(D) and (E),~~
17 ~~Administration.~~

18
19 4. ~~Variance. Public and private schools, religious institutions, private clubs and public facilities in~~
20 ~~single family zones with slopes of less than 15 percent may request a variance to increase the~~
21 ~~impervious surface to a maximum 60 percent impervious surface and such variance application~~
22 ~~will be granted if the hearing examiner determines that the applicant has demonstrated that the~~
23 ~~following criteria are satisfied:~~

24
25 a. ~~There will be no net loss of pervious surface from the existing pervious surface. No net loss~~
26 ~~will be determined by the code official and may be achieved by off site mitigation and/or by~~
27 ~~reconstructing existing parking areas to allow stormwater penetration. This replacement will be~~
28 ~~an exception to subsection (D)(2)(b) of this section prohibiting parking areas from being~~
29 ~~considered as pervious surfaces;~~

30
31 b. ~~All stormwater discharged shall be mitigated consistent with the most recent Washington~~
32 ~~State Department of Ecology Stormwater Management Manual for Western Washington,~~
33 ~~including attenuation of flow and duration. Mitigation will be required for any and all new and~~
34 ~~replaced impervious surfaces. In designing such mitigation, the use of a continuous simulation~~
35 ~~hydrologic model such as KCRTS or WWHM shall be required; event based models will not be~~
36 ~~allowed. In addition, mitigation designs shall utilize flow control best management practices~~
37 ~~(BMPs) and low impact development (LID) techniques to infiltrate, disperse and retain~~
38 ~~stormwater on site to mitigate the increased volume, flow and pollutant loading to the~~
39 ~~maximum extent feasible;~~

40
41 c. ~~The director must approve a storm drainage report submitted by the applicant and prepared~~
42 ~~by a licensed civil engineer assuring the city that city infrastructure, in concert with the project~~
43 ~~design, is adequate to accommodate storm drainage from the project site, or identifying~~

1 appropriate improvements to public and/or private infrastructure to assure this condition is
2 met, at the applicant's expense;

3
4 ~~d. A deviation under subsection (D)(3) of this section may not be combined to exceed this~~
5 ~~maximum 60 percent impervious surface coverage;~~

6
7 ~~e. The hearing procedures and public notice requirements set forth in MICC 19.15.020 shall be~~
8 ~~followed in connection with this variance proceeding.~~

9
10 GE. Parking.

11
12 1. 1-Applicability. This section shall apply to all new construction and remodels where more
13 than 40 percent of the length of the structure's external walls have been intentionally
14 structurally altered.

15 2. Parking required.

16 a. Each single-family dwelling shall have at least ~~three-two~~ parking spaces sufficient in
17 size to park a passenger automobile; provided, at least ~~two-one~~ of the stalls shall be
18 covered stalls.

19 b. ~~This provision shall apply to all new construction and remodels where more than 40~~
20 ~~percent of the length of the structure's external walls have been intentionally~~
21 ~~structurally altered;~~

22 c. ~~however, n~~No construction or remodel shall reduce the number of parking spaces
23 on the lot below the number existing prior to the project unless the reduced parking
24 still satisfies the requirements set out above.

25
26 2. Except as otherwise provided in this chapter, each lot shall provide parking deemed
27 sufficient by the code official for the use occurring on the lot; provided, any lot that contains
28 10 or more parking spaces shall also meet the parking lot requirements set out in Appendix
29 A of this development code.

30
31 HF. Easements. Easements shall remain unobstructed.

32
33 1. Vehicular Access Easements. No structures shall be constructed on or over any vehicular
34 access easement. A minimum ~~510~~-foot yard setback from the edge of any easement that affords
35 or could afford vehicular access to a property is required for all structures; provided, that
36 improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed
37 within the ~~105~~-foot yard setback so long as such improvements do not interfere with emergency
38 vehicle access or sight distance for vehicles and pedestrians.

39
40 2. Utility and Other Easements. No structure shall be constructed on or over any easement for
41 water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within
42 the language of the easement or is mutually agreed in writing between the grantee and grantor
43 of the easement.

1
2 I. Large lots. The intent of this section is to ensure that the construction of a single family dwelling on a
3 large lot does not preclude compliance with applicable standards related to subdivision or short
4 subdivision of the large lot. Prior to approval of a new single family dwellings and associated site
5 improvements, accessory buildings, and accessory structures on large lots, the applicant shall complete
6 one of the following:

7
8 1. Design for future subdivision. The proposed site design that shall accommodate potential
9 future subdivision of the lot as follows:

10
11 a. The proposed site design shall comply with the applicable design requirements of
12 Chapters 19.08 Subdivision, 19.09 Development, and 19.10 Trees MICC.

13
14 b. The proposed site design shall not result in a circumstance that would require the
15 removal of trees identified for retention, as part of a future subdivision.

16
17 c. The proposed site design shall not result in a circumstance that would require
18 modifications to wetlands, watercourses, and associated buffers as part of a future
19 subdivision.

20
21 d. Approval of a site design that could accommodate a potential future subdivision does
22 not guarantee approval of such future subdivision approval, nor does it confer or vest
23 any rights to a future subdivision.

24
25 2. Subdivide. Prior to application for a new single family dwelling, the property is subdivided or
26 short platted to create all potential lots and building pads permitted by zoning. The proposed
27 single family dwelling shall be located on a lot and within a building pad resulting from a
28 recorded final plat.

29
30 3. Limit subdivision. Record a notice on title, or execute a covenant, easement, or other
31 documentation approved by the city, prohibiting further subdivision of the large lot for a period
32 of five (5) years from the date of final inspection or certificate of occupancy.

33
34 J. Building Pad. New buildings shall be located within a building pad established pursuant to Chapter
35 19.09 MICC. Intrusions into yard setbacks authorized pursuant to MICC 19.02.020(C)(3) may be located
36 outside of the boundaries of the building pad.

37
38 ...

39
40 **19.02.040 Garages, ~~and~~ other accessory buildings, and accessory structures.**

41 A. Accessory buildings, including garages, are not allowed in required yards except as herein provided.

42
43 B. Attached Accessory Building. An attached accessory building shall comply with the requirements of
44 this code applicable to the main building.

1
2 C. Detached Accessory Buildings and Accessory Structures.

3 1. Gross Floor Area.

4 a. The combined total gross floor area for one or more accessory building(s) shall not
5 exceed 25 percent of the total gross floor area allowed on a lot within applicable zoning
6 designations pursuant to MICC 19.02.020. For example, on a lot where the total
7 allowed gross floor area is 5,000 square feet, the combined total gross floor area for all
8 accessory buildings is 1,250 square feet.

9
10 b. The gross floor area for a detached accessory building that is entirely or partially used
11 for an accessory dwelling unit, may be increased by the floor area authorized pursuant
12 to MICC 19.02.020(D)(3).

13
14 2. Height.

15 a. Detached accessory buildings, except for buildings that contain an accessory dwelling
16 unit, are limited to a single story and shall not exceed 17 feet in height above the
17 average building elevation to the highest point of the roof. Average building elevation is
18 calculated using the methodology established in MICC 19.02.020(E)(4).

19
20 b. Detached accessory buildings that are entirely or partially used for an accessory
21 dwelling unit, shall meet the height limits established for the primary building.

22
23 3. Detached Accessory buildings are not allowed in required yard setbacks; provided, one
24 detached accessory building with a gross floor area of 200 square feet or less and a height of 12
25 feet or less may be erected in the rear yard setback. If such an accessory building is to be
26 located less than five feet from any property line, a joint agreement with the adjoining property
27 owner(s) must be executed and recorded with the King County Department of Records and
28 thereafter filed with the city.

29
30 4. Accessory structures. The maximum height of an accessory structure that are not also
31 accessory buildings, shall not exceed 17 feet. The height of an accessory structure is measured
32 from the top of the structure, to the existing grade or finished grade, whichever is lower,
33 directly below the section of the structure being measured.

34
35 D. Garages and Carports. Garages and carports may be built to within 10 feet of the front property line if
36 the front yard of the lot, measured at the midpoint of the wall of the garage closest to the front yard
37 property line, is more than four feet above or below the existing grade at the point on the front
38 property line closest to the midpoint of the wall of the garage at its proposed location. The height of
39 such garage shall not exceed 12 feet from existing grade for that portion built within the front yard.

40
41 E. Pedestrian Walkways. Enclosed or covered pedestrian walkways may be used to connect the main
42 building to a garage or carport. Enclosed pedestrian walkways shall not exceed six feet in width and 12
43 feet in height calculated from finished grade or 30 feet above average building elevation, whichever is
44 less. (Ord. 08C-01 § 1; Ord. 01C-06 § 1; Ord. 99C-13 § 1).

1
2
3 **19.02.050 Fences, retaining walls and rockeries.**

4 A. Location in Required Yard. Fences, retaining walls and rockeries may be located within any required
5 yard as specified below.

6
7 B. Location in Street.

8
9 1. Fences. No fence shall be located in any improved street. Fences may be allowed in
10 unimproved public streets subject to approval of the city engineer and the granting of an
11 encroachment agreement as required by MICC 19.06.060.

12
13 2. Retaining Walls and Rockeries. Retaining walls and rockeries may be allowed in any street
14 subject to the approval of the city engineer and the granting of an encroachment agreement
15 covering any public street as required by MICC 19.06.060.

16
17 C. Height Measurement.

18
19 1. Fences / gates. The height of a fence or gate is measured from the top of the fence or gate,
20 including posts, to the existing grade or finished grade, whichever is lower, directly below the
21 section of the fence or gate being measured.

22
23 2. Retaining Walls and Rockeries. The height of a retaining wall or rockery is measured from the
24 top of the retaining wall or rockery to the existing grade or finished grade, whichever is lower,
25 directly below the retaining wall or rockery.

26
27 D. Retaining Walls and Rockeries – Requirements.

28
29 1. Building Permit. A building permit is required for retaining walls or rockeries not exempted
30 from permit by Section 105.2 of the Construction Administrative Code, Chapter 17.14 MICC.

31
32 2. Engineer. Any rockery requiring a building permit shall be designed and inspected by a
33 licensed geotechnical engineer.

34
35 3. Drainage Control. Drainage control of the area behind the rockery shall be provided for all
36 rockeries.

37
38 4. Maximum Height in Required Yard – Cut Slopes.

39 a. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to
40 the extent used to protect a cut or cuts into existing grade within any required yard,
41 shall exceed a total of 144 inches in height.

42 b. All retaining walls and/or rockeries within a required yard shall be included in
43 calculating the maximum height of 144 inches. ~~Such retaining walls or rockeries, or~~
44 ~~combination of retaining walls or rockeries, may~~

1 c. Retaining walls or rockeries may be topped by a fence up to 72 inches in height as
2 provided in MICC 19.02.050(E). or, if within that portion of any required yard that
3 lies within 20 feet of any improved street, by a fence up to 42 inches in height.
4

5 5. Maximum Height in Required Yard – Fill Slopes.

6 a. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to
7 the extent used to raise grade and protect a fill slope, shall exceed a total of 72
8 inches in height within any required yard shall result in an increase in the finished
9 grade by more than 72 inches at any point.

10 b. All retaining walls and/or rockeries within a required yard shall be included in
11 calculating the maximum height of 72 inches.

12 c. Retaining walls or rockeries may be topped by a fence as provided in MICC
13 19.02.050(E).

14
15 A fence or guardrail may be placed on top of such retaining wall or rockery, but in no
16 event shall the combined height of the fence and any retaining wall or rockery
17 exceed 72 inches; provided, rockeries, retaining walls, fences, or any combination
18 thereof, are limited to a maximum height of 42 inches within that portion of any
19 required yard which lies within 20 feet of any improved street.
20

21 E. Fences and gates.

22
23 1. Maximum Height in Fences or gates in Required Yard.

24 a. Height limits.

25 i. Fences, gates, or any combination of retaining walls, rockeries and fences are
26 allowed to a maximum height of 72 inches within the required side or rear
27 yards, except as provided in subsection (D)(4) of this section.

28 ii. Fences, gates, or any combination of retaining walls, rockeries and fences are
29 allowed to a maximum height of 42 inches within required front yards.

30 b. Exceptions to height limits.

31 i. No fence shall exceed a maximum height of 72 inches.

32 ii. Fences within front yards may be designed to incorporate an open
33 latticework or similar architectural feature at the entrance of a
34 walkway, provided the total height of the entryway feature shall not
35 exceed 90 inches and the remaining fences shall not exceed 72 inches.
36 The open latticework or architectural feature shall be designed such
37 that at least 50 percent of its total surface area consists of evenly
38 distributed open spaces.

39 iii. Fences or gates located within the front yard may have a maximum
40 height of 72 inches, provided:

- 41 1. The proposed fence or gate is located along a property line
42 contiguous to either: Island Crest Way north of SE 53rd Place, or SE
43 40th Street between 92nd Avenue SE and 78th Avenue SE; and

2. For regulated improvements, deviations shall be reviewed by the design commission under the procedures and criteria set forth in MICC 19.15.040.

GF. Electric and Barbed Wire Fences. Electric fences and barbed wire fences are not allowed.

HG. Exceptions. These provisions do not apply to fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public playgrounds, or to screens used for safety measures in public recreation areas such as ballfields.

...

19.02.60 Lot Coverage – Regulated improvements.

A. Applicability. This section shall apply to regulated improvements (for example, schools or religious buildings) in the residential zoning designations of R-8.4, R-9.6, R-12, and R-15. This section does not apply to new single family dwellings or residential accessory buildings:

B1. Maximum Impervious Surface Limits for Lots. The total percentage of a lot that can be covered by impervious surfaces (including buildings) is limited by the slope of the lot for all single-family zones as follows:

Lot Slope	Lot Coverage (limit for impervious surfaces)
Less than 15%	40%*
15% to less than 30%	35%
30% to 50%	30%
Greater than 50% slope	20%

*Public and private schools, religious institutions, private clubs and public facilities (excluding public parks or designated open space) in single-family zones with slopes of less than 15 percent may be covered by the percentage of legally existing impervious surface that existed on May 1, 2006, as determined by the code official.

C2. Exemptions. The following improvements will be exempt from the calculation of the maximum impervious surface limits set forth in subsection ~~“(D)(1B.)”~~ of this section:

a1. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between the boards which provide free drainage between the boards as determined by the code official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.

1
2 2b. Pavers. Pavers installed with a slope of five percent or less and covering no more than 10
3 percent of the total lot area will be calculated as only 75 percent impervious. Provided,
4 however, that all pavers placed in driveways, private streets, access easements, parking areas
5 and critical areas shall be considered 100 percent impervious.
6

7 ~~c. Patios/Terraces. Uncovered patios/ terraces constructed of pavers shall be exempt~~
8 ~~from the maximum impervious surface limits.~~
9

10 d3. Pedestrian-Oriented Walkways. Uncovered pedestrian walkways constructed with gravel or
11 pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface
12 limits.
13

14 e4. Public Improvements. Open storm water retention/detention facilities, public rights-of-way
15 and public pedestrian trails shall be exempt from the maximum impervious surface limits.
16

17 5f. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum
18 impervious surface limits.
19

20 6g. Residences for religious leaders located on properties use by places of worship.
21

22 ai. A structure primarily used as a residence for a religious leader provided by its
23 congregation and located on the same lot or lots as the improvements for a church,
24 synagogue, mosque, or other place of worship, shall be exempt from the maximum
25 impervious surface limits, subject to the limitations under subsection "bii." below. All
26 impervious surface areas directly and commonly associated with the residence such as,
27 but not limited to, the footprint of the residence, an attached or detached garage, a
28 patio and/or deck not otherwise exempted by MICC 19.02.0260(DC)(21)(a) and (e3), and
29 a driveway not otherwise used for general access to the place of worship, shall be
30 exempt.
31

32 bii. A residence and its associated impervious improvements, as described above, may
33 only be exempted if 4,999 square feet or less or up to 20% of lot area, whichever is less.
34 For these purposes, lot area means the lot or lots on which the place of worship is
35 located.
36

37 ciii. Impervious surface ~~lot~~ coverage exceeding 60% shall not be allowed whether by
38 variance ~~pursuant to~~ MICC 19.02.0620(D) or by this exemption.
39

40 D. Variance. Regulated improvements in the R-8.4, R-9.6, R-12, and R-15 zoning designations may
41 request a variance to increase impervious surface pursuant to MICC 19.15.020(G).
42

1 Chapter 19.07
2 ENVIRONMENT

3
4 ...

5 **19.07.040 Review and construction requirements.**

6 ...

7 C. Setback Deviation. An applicant may seek a deviation from required front and back yard setbacks
8 pursuant to MICC-~~19.15.020~~~~19.02.020(C)(4)~~.

9

10 D. Variances. Variances ~~pursuant to MICC 19.01.070~~ are not available to reduce any numeric
11 requirement of this chapter. However, the allowed alterations and the reasonable use exception
12 allowed pursuant to MICC [19.07.030](#) may result in city approvals with reduced numeric requirements.

13 ...

14

15

DRAFT

1 Chapter 19.08
2 SUBDIVISIONS

3
4 ...

5
6 **19.08.020 Application procedures and requirements.**

7 A. Applications for short subdivisions or alterations or vacation thereof, and lot line revisions shall be
8 reviewed by the code official. Applications for long subdivisions or alteration or vacation thereof shall
9 before the hearing examiner who shall make recommendations to the city council.

10
11 B. The code official may grant a variance, with restrictions if deemed necessary, from the four-acre
12 limitation for purpose of permitting short subdivision of property containing more than four acres into
13 four or less lots when all of the following circumstances shall be found to apply:

- 14 1. That there are special circumstances applicable to the particular lot, such type of ownership,
15 restrictive covenants, physiographic conditions, location or surroundings, or other factors;
- 16 2. That the granting of the variance will not result in future uncoordinated development nor
17 alter the character of the neighborhood; and
- 18 3. That granting the variance will not conflict with the general purposes and objectives of the
19 comprehensive plan or the development code.
20

21
22 C. Applicants shall prepare a concept sketch of the proposal for the preapplication meeting required
23 under MICC 19.09.010(A).
24

25
26 D. Preliminary Application Contents. In addition to any documents, information, or studies required
27 under Chapter 19.07 MICC, Critical Areas Environment, Chapter 19.10, Trees, or any other Chapter of
28 Title 19 MICC, an application for a long subdivision, short subdivision, or a lot line revision shall include
29 the documents set forth below and any other document or information deemed necessary by the code
30 official upon notice to the applicant. All documents shall be in the form specified by the code official and
31 shall contain such information as deemed necessary by the code official. The applicant shall submit the
32 number of copies of each document specified by the code official.
33

34
35 1. Development Application Cover Form. The development application cover form shall be
36 signed by all current property owners listed on the plat certificate, and shall list the legal parcel
37 numbers of all property involved in the project.

38
39 2. Long Subdivision, Short Subdivision, or Lot Line Revision Plan. The applicant shall provide
40 copies of fully dimensioned plans of the project prepared by a Washington registered civil
41 engineer or land surveyor, meeting the requirements of Chapter 19.07 MICC, Environment, and
42 containing any other information deemed necessary by the code official. The city engineer may
43 waive the requirement that an engineer or surveyor prepare the plans for a short subdivision or
44 lot line revision. The submitted plans shall ~~demonstrate that a~~ identify the proposed building

1 pad ~~has been designated location~~ for each proposed lot ~~per-pursuant to~~ MICC 19.09.090. ~~No~~
2 ~~cross-section dimension of a designated building pad shall be less than 20 feet in width.~~
3

4 3. Plat Certificate. Applicant shall provide a plat certificate issued by a qualified title insurance
5 company not more than 30 days before filing of the application showing the ownership and title
6 of all parties interested in the plat. If the plat certificate references any recorded documents (i.e.
7 easements, dedications, covenants, etc.) copies of those documents shall also be provided.
8

9 4. Legal Documents. Applicants shall provide copies of each of the following documents (if
10 applicable):
11

12 a. Proposed restrictive covenants.

13 b. Draft deeds to the city for any land to be dedicated.

14 c. Proposed easements.
15
16
17

18 5. Project Narrative. Applicants shall provide a clear and concise written description and
19 summary of the proposed project.
20

21 6. Neighborhood Detail Map. Applicants shall provide copies of a map drawn at a scale specified
22 by the code official showing the location of the subject site relative to the property boundaries
23 of the surrounding parcels within approximately 1,000 feet, or approximately 2,500 feet for
24 properties over four acres. The map shall identify the subject site with a darker perimeter line
25 than that of the surrounding properties.
26

27 7. Topography Map. The applicant shall provide copies of a topographical map showing the
28 existing land contours using vertical intervals of not more than two feet, completed and signed
29 by a Washington licensed surveyor. For any existing buildings, the map shall show the finished
30 floor elevations of each floor of the building. Critical slopes exceeding 30 percent must be
31 labeled and delineated by a clearly visible hatching.
32

33 8. Detailed Grading Plan. If the grade differential on the site of the proposed project will exceed
34 24 inches and/or if the amount of earth to be disturbed exceeds 50 cubic yards, the applicant
35 shall provide copies of a detailed grading plan drawn by a Washington licensed engineer.
36

37 9. Street Profiles. The applicant shall provide copies of a street profile showing the profiles and
38 grades of each street, together with typical cross sections indicating:
39

40 a. Width of pavement;

41 b. Location and width of sidewalks, trails, bike lanes, ditches, swales, etc.; and
42

43 c. Location of any utility mains.
44

1
2 10. Geotechnical Report. The applicant shall provide a geotechnical report meeting the
3 requirements of Chapter 19.07 MICC, Critical Lands. This requirement may be waived by the city
4 Engineer under the criteria set out in MICC 19.07.010.
5

6 11. Utility Plan. Conceptual plan showing the locations of existing and proposed utilities.
7

8 ~~E. Notice.~~

9
10 ~~1. Short Subdivisions and Lot Line Revisions. Public notice of an application for a short~~
11 ~~subdivision or a lot line revision shall be made in accordance with the procedures set forth in~~
12 ~~MICC 19.15.020.~~

13
14 ~~2. Long Subdivisions.~~

15
16 ~~a. Public notice of a long subdivision application shall be made at least 10 days prior to~~
17 ~~the open record hearing on the application in accordance with the procedures set forth~~
18 ~~in MICC 19.15.020 for an administrative or discretionary act; provided, notice shall also~~
19 ~~be published at least 10 days prior to the hearing in a newspaper of general circulation~~
20 ~~within the city.~~

21
22 ~~b. If the owner of a proposed long subdivision owns land adjacent to the proposed long~~
23 ~~subdivision, that adjacent land shall be treated as part of the long subdivision for notice~~
24 ~~purposes, and notice of the application shall be given to all owners of lots located within~~
25 ~~300 feet of the proposed long subdivision or the applicant's adjacent land.~~

26
27 ~~3. The city shall provide written notice to the Department of Transportation of an application for~~
28 ~~a long subdivision or short subdivision that is located adjacent to the right of way of a state~~
29 ~~highway. The notice shall include a legal description of the long subdivision or short subdivision~~
30 ~~and a location map.~~

31
32 ~~E.F. Preliminary Application Procedure.~~

33
34 1. Findings of Fact. All preliminary approvals or denials of long subdivisions or short subdivisions
35 shall be accompanied by written findings of fact demonstrating that:

36
37 a. The project does or does not make appropriate provisions for the public health,
38 safety, and general welfare and for such open spaces, drainage ways, streets or roads,
39 alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks
40 and recreation, playgrounds, schools and schoolgrounds and all other relevant facts,
41 including sidewalks and other planning features that assure safe walking conditions for
42 students who only walk to and from school;

43
44 b. The public use and interest will or will not be served by approval of the project; and

1
2 c. The project does or does not conform to applicable zoning and land use regulations.
3

4 2. Short Subdivisions and Lot Line Revisions. The code official shall grant preliminary approval
5 for a short subdivision or lot line revision if the application is in proper form and the project
6 complies with the design standards set out in MICC 19.08.030, the comprehensive plan, and
7 other applicable development standards.
8

9 3. Long Subdivisions.

10
11 a. At an open record hearing the planning commission shall review the proposed long
12 subdivision for its conformance with the requirements of MICC 19.08.030, the
13 comprehensive plan, and other applicable development standards.
14

15 b. The planning commission shall make a written recommendation on the long
16 subdivision, containing findings of fact and conclusions, to the city council not later than
17 14 days following action by the planning commission.
18

19 c. Upon receipt of the planning commission's recommendation, the city council shall at
20 its next public meeting set the date for the public hearing where it may adopt or reject
21 the planning commission's recommendations.
22

23 d. Preliminary approval of long subdivision applications shall be governed by the time
24 limits and conditions set out in MICC 19.15.020(E); except the deadline for preliminary
25 plat approval is 90 days, unless the applicant consents to an extension of the time
26 period.
27

28 4. Conditions for Preliminary Approval. As a condition of preliminary approval of a project, the
29 city council in the case of a long subdivision, or the code official in the case of a short subdivision
30 ~~or lot line revision~~, may require the installation of plat improvements as provided in MICC
31 19.08.040 which shall be conditions precedent to final approval of the ~~long-subdivision, short~~
32 ~~subdivision, or lot line revision~~.
33

34 ~~5. Expiration of Approval.~~

35
36 ~~a. Once the preliminary plat for a long subdivision has been approved by the city, the~~
37 ~~applicant has five years to submit a final plat meeting all requirements of this chapter to~~
38 ~~the city council for approval.~~
39

40 ~~b. Once the preliminary plat for a short subdivision has been approved by the city, the~~
41 ~~applicant has one year to submit a final plat meeting all requirements of this chapter. A~~
42 ~~plat that has not been recorded within one year after its preliminary approval shall~~
43 ~~expire, becoming null and void. The city may grant a single one year extension, if the~~

1 applicant submits the request in writing before the expiration of the preliminary
2 approval.

3
4 ~~c. In order to revitalize an expired preliminary plat, a new application must be~~
5 ~~submitted.~~
6

7 56. No Construction Before Application Approval. No construction of structures, utilities, storm
8 drainage, grading, excavation, filling, or land clearing on any land within the proposed long
9 subdivision, short subdivision, or lot line revision shall be allowed prior to preliminary approval
10 of the application and until the applicant has secured the permits required under the Mercer
11 Island City Code.
12

13 **19.08.030 Design standards.**

14 A. Compliance with Other Laws and Regulations. The proposed subdivision shall comply ~~with~~ with
15 ~~arterial, capital facility, and land use elements of the comprehensive plan;~~ all other chapters of ~~the~~
16 ~~development code~~ Title 19 MICC; the Shoreline Management Act; and other applicable city, state, and
17 federal legislation.
18

19 B. Public Improvements.

- 20
21 1. The subdivision shall be reconciled as far as possible with current official plans for acquisition
22 and development of arterial or other public streets, trails, public buildings, utilities, parks,
23 playgrounds, and other public improvements.
24
25 2. If the preliminary plat includes a dedication of a public park with an area of less than two
26 acres and the donor has designated that the park be named in honor of a deceased individual of
27 good character, the city shall adopt the designated name.
28

29 C. Control of Hazards.

- 30
31 1. Where the project may adversely impact the health, safety, and welfare of, or inflict expense
32 or damage upon, residents or property owners within or adjoining the project, other members
33 of the public, the state, the city, or other municipal corporations due to flooding, drainage
34 problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes,
35 the city council in the case of a long subdivision, or the code official in the case of a short
36 subdivision ~~or lot line revision~~, shall require the applicant to adequately control such hazards or
37 give adequate security for damages that may result from the project, or both.
38
39 2. If there are soils or drainage problems, the city engineer may require that a Washington
40 registered civil engineer perform a geotechnical investigation of each lot in the project. The
41 report shall recommend the corrective action likely to prevent damage to the areas where such
42 soils or drainage problems exist. Storm water shall be managed in accordance with the criteria
43 set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream
44 facilities or properties.

1
2 3. Alternative tightline storm drains to Lake Washington shall not cause added impact to the
3 properties, and the applicant shall submit supportive calculations for storm drainage detention.
4

5 D. Streets, Roads and Rights-of-Way.
6

7 1. The width and location of rights-of-way for major, secondary, and collector arterial streets
8 shall be as set forth in the comprehensive arterial plan.
9

10 2. Public rights-of-way shall comply with the requirements set out in MICC 19.09.030.
11

12 3. Private access roads shall meet the criteria set out in MICC 19.09.040.
13

14 4. Streets of the proposed subdivision shall connect with existing improved public streets, or
15 with existing improved private access roads subject to easements of way in favor of the land to
16 be subdivided.
17

18 E. Residential Lots.
19

20 1. The area, width, and depth of each residential lot shall conform to the requirements for the
21 zone in which the lot is located. Any lot which is located in two or more zones shall conform to
22 the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).
23

24 2. Each side line of a lot shall be approximately perpendicular or radial to the center line of the
25 street on which the lot fronts.
26

27 3. The proposed subdivision shall identify the location of building pads for each proposed lot per
28 MICC 19.09.090. No cross-section dimension of a designated building pad shall be less than 20
29 feet in width.
30

31 4. The proposed subdivision shall incorporate preferred development practices pursuant to
32 MICC 19.09.100 where feasible.
33

34 5. The proposed subdivision shall be designed to comply with the provisions of Chapter 19.10
35 MICC.
36

37
38 F. Design Standards for Special Conditions.
39

40 1. Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be
41 oriented to require the rear or side portion of the lots to abut the arterial and provide for
42 internal access streets.
43

1 2. Where critical areas meeting the criteria set out in Chapter 19.07 MICC are present within the
2 subdivision, the code official or city council may:

3
4 a. Require that certain portions of the long subdivision or short subdivision remain
5 undeveloped with such restrictions shown on the official documents;

6
7 b. Increase the usual building set-back requirements; and/or

8
9 c. Require appropriate building techniques to reduce the impact of site development.
10

11 G. Optional Standards for Development. In situations where designing a ~~long subdivision or short~~
12 subdivision to the requirements of subsections A through F of this section would substantially hinder the
13 permanent retention ~~trees; interfere with the protection critical areas of wooded or steep areas or other~~
14 ~~natural features~~; preclude the provision of parks, playgrounds, or other noncommercial recreational
15 areas for neighborhood use and enjoyment; or would negatively impact the physiographic features
16 and/or existing ground cover of the subject area, the applicant may request that the project be
17 evaluated under the following standards:

18
19 1. The use of the land in the long subdivision or short subdivision shall be one permitted in the
20 zone in which the long subdivision or short subdivision is located.

21
22 2. The number of lots shall not exceed the number that would otherwise be permitted within
23 the area being subdivided, excluding the shorelands part of any such lot and any part of such lot
24 that is part of a street.

25
26 3. An area suitable for a private or public open space tract shall be set aside for such use.

27
28 4. The lots may be of different areas, but the minimum lot area, minimum lot width, and
29 minimum lot depth shall each be at least 75 percent of that otherwise required in the zone in
30 which the long subdivision or short subdivision is located. In no case shall the lot area be less
31 than 75 percent of that otherwise required in the zone. Lot size averaging must be incorporated
32 if lot width or depth requirements are 75 percent of the minimum that would otherwise be
33 required for the zone without utilizing the optional development standards. Any designated
34 open space or recreational tract shall not be considered a lot.

35
36 5. The ownership and use of any designated open space or recreational tract, if private, shall be
37 shared by all property owners within the long subdivision or short subdivision. In addition, a
38 right of entry shall be conveyed to the public to be exercised at the sole option of the city
39 council if such area shall cease to be an open space or recreational tract.

40
41 6. The open space or recreational tract must remain in its approved configuration and be
42 maintained in accordance with approved plans. Any deviation from the foregoing conditions
43 must receive expressed approval from the ~~planning commission~~ Hearing Examiner.
44

1
2 **19.08.040 Plat improvements.**

3 A. Streets, Utilities and Storm Drainage. The ~~long subdivision, short subdivisions, or lot line revision~~ shall
4 include provisions for streets, water, sanitary sewers, storm drainage, utilities and any easements or
5 facilities necessary to provide these services. All utilities shall be placed underground unless waived by
6 the city engineer. Detailed plans for these provisions shall not be required until after the approval of the
7 preliminary plat and shall be a condition precedent to the official approval of the subdivision.

8
9 B. Performance Bond. The owner(s) of a project shall deposit with the city a performance bond or funds
10 for a set-aside account in an amount equal to 150 percent of the cost of the required improvements, as
11 established by the city engineer. Such security shall list the exact work that shall be performed by the
12 owner(s) and shall specify that all of the deferred improvements shall be completed within the time
13 specified by the city engineer, and if no time is so specified, then not later than one year. The city may
14 also require a bond or set-aside account securing the successful operation of improvements or survival
15 of required landscaping for up to two years after final approval.

16
17 C. Site Supervision. Any and all services performed by city employees in field inspection of construction
18 of plat improvements, clearing, and/or grading processes, shall be charged to the developer at 100
19 percent of direct salary cost, plus 35 percent of such cost for overhead. Any outside consultants retained
20 by the city to evaluate any phase of plat design or construction shall be charged at actual cost, plus any
21 additional administrative costs. Billings tendered to the owner(s) shall be payable within 30 days.

22
23 D. Construction Seasons. Either the city engineer or the building official may:

- 24
25 1. Limit the construction project to a specific seasonal time period.
26
27 2. Prevent land clearing, grading, filling, and foundation work on lots with critical slopes or
28 geologic hazard areas between October 1 and April 1, as set out in MICC 19.07.020; and
29
30 3. Require short term soil and drainage control measures such as, but not limited to: hemping,
31 seeding, gravel or light asphalt base roads, temporary siltation and detention ponds. (Ord. 99C-
32 13 § 1).

33
34
35 **19.08.050 Final plats.**

36
37 ...

38
39 C. Contents of the Final Plat. All final plats submitted to the city shall meet the requirements set out in
40 Chapter 58.09 RCW, Chapter 332-130 WAC, and those requirements set out below.

41
42 Final plats submitted to the city shall consist of one mylar and one copy containing the information set
43 out below. The mylar and copy shall be 18 inches by 24 inches in size, allowing one-half inch for borders.
44 If more than one sheet is required for the mylar and copy, each sheet, including the index sheet, shall be

1 the specified size. The index sheet must show the entire subdivision, with street and highway names and
2 block numbers.

3
4 1. Identification and Description.

5
6 a. Name of the long subdivision, short subdivision or lot line revision.

7
8 b. A statement that the long subdivision or short subdivision has been made with the
9 free consent and in accordance with the desires of the owner or owners.

10
11 c. Location by section, township and range, or by other legal description.

12
13 d. The name and seal of the registered engineer or the registered land surveyor.

14
15 e. Scale shown graphically, date and north point. The scale of the final plat shall be such
16 that all distances and bearings can be clearly and legibly shown thereon in their proper
17 proportions. Where there is a difference between the legal and actual field distances
18 and bearings, both distances and bearings shall be shown with the field distances and
19 bearings shown in brackets.

20
21 f. A description of property platted which shall be the same as that recorded in
22 preceding transfer of said property or that portion of said transfer covered by plat.
23 Should this description be cumbersome and not technically correct, a true and exact
24 description shall be shown upon the plat, together with original description. The correct
25 description follow the words: "The intent of the above description is to embrace all the
26 following described property."

27
28 g. A vicinity map showing the location of the plat relative to the surrounding area.

29
30 2. Delineation.

31
32 a. Boundary plat, based on an accurate traverse, with angular and lineal dimensions.

33
34 b. Exact location, width, and name of all streets within and adjoining the plat, and the
35 exact location and widths of all roadways, driveways, trail easements. The name of a
36 street shall not duplicate that of any existing street in the city, unless the platted street
37 be a new section or continuation of the existing street.

38
39 c. True courses and distances to the nearest established street lines or official
40 monuments which shall accurately describe the location of the plat.

41
42 d. Municipal, township, county or section lines accurately tied to the lines of the
43 subdivision by courses and distances.

1 e. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

2
3 f. All easements for rights-of-way provided for public services or utilities. Utility
4 easements shall be designated as public or private.

5
6 g. All lot and block numbers and lines, with accurate dimensions in feet and hundredths.
7 Blocks in numbered additions to subdivisions bearing the same name may be numbered
8 or lettered consecutively through the several additions. The square footage for each lot
9 less vehicular easements shall be shown.

10
11 h. Accurate location of all monuments, which shall be concrete commercial monuments
12 four inches by four inches at top, six inches by six inches at bottom, and 16 inches long.
13 One such monument shall be placed at each street intersection and at locations to
14 complete a continuous line of sight and at such other locations as are required by the
15 engineer.

16
17 i. All plat meander lines or reference lines along bodies of water shall be established
18 above the ordinary high water line of such water.

19
20 j. Accurate outlines and legal description of any areas to be dedicated or reserved for
21 public use, with the purpose indicated thereon and in the dedication; and of any area to
22 be reserved by deed covenant for common uses of all property owners.

23
24 k. Critical areas as identified under Chapter 19.07 MICC.

25
26 l. Corner pins made of rebar with caps.

27
28 m. Designated building pads pursuant to MICC 19.09.090.

29
30 3. Other Marginal Data on Final Plat.

31
32 a. If the plat is subject to dedications to the city or any other party, the dedications shall
33 be shown and shall be duly acknowledged. The plat shall also contain a waiver of all
34 claims for damages against the city which may be occasioned to the adjacent land by
35 the established construction, drainage and maintenance of any streets dedicated to the
36 city.

37
38 b. A copy of the protective covenants, if any.

39
40 c. Certification by Washington registered civil engineer or land surveyor to the effect
41 that the plat represents a survey made by that person and that the monuments shown
42 thereon exist as located and that all dimensional and geodetic details are correct.

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d. Proper forms for the approvals of the city engineer and the mayor, on behalf of the city council, in the case of a long subdivision; or the city engineer and the code official in the case of short subdivisions or lot line revisions, with space for signatures.

e. Certificates by the county assessor showing that the taxes and assessments on the land to be submitted have been paid in accordance with law, including a deposit for the taxes for the following year.

f. Approval by the county department of records.

g. Conditions of approval created at preliminary subdivision approval that affect individual lots or tracts.

DRAFT

1 Chapter 19.09
2 PROPERTY DEVELOPMENT

3
4 **19.09.040 Private access roads and driveways.**

5 A. The following are the minimum requirements for private access roads. To accommodate fire
6 suppression and rescue activities, the Mercer Island fire chief may require that the widths of private
7 access roads or driveways or the size of turn-arounds be increased or that turn-arounds be provided
8 when not otherwise required by this section.

9
10 B. All private access roads serving three or more single-family dwellings shall be at least 20 feet in width.
11 All private access roads serving ~~less than two three~~ single-family dwellings shall be at least 16 feet in
12 width, with at least 12 feet of that width consisting of pavement and the balance consisting of well
13 compacted shoulders.

14
15 C. All corners shall have a minimum inside turning radius of 28 feet.

16
17 D. All private access roads in excess of 150 feet in length, measured along the centerline of the access
18 road from the edge of city street to the end of the access road, shall have a turn-around with an inside
19 turning radius of 28 feet.

20
21 E. All cul-de-sacs shall be at least 70 feet in diameter; provided, cul-de-sacs providing access to three or
22 more single-family dwellings shall be at least 90 feet in diameter.

23
24 F. Driveways serving one single family dwelling shall be at least 8 feet in width. Driveways providing
25 vehicle access to parking for regulated improvements shall comply with the parking lot dimension
26 requirements of Appendix A.

27
28 ~~FG.~~ Gradient.

29
30 1. No access road or driveway shall have a gradient of greater than 20 percent.

31
32 2. For all access roads and driveways with a gradient exceeding 15 percent, the road surface
33 shall be cement concrete pavement with a brushed surface for traction. Access roads and
34 driveways with gradients of 15 percent or less may have asphalt concrete surface.

35
36 ...

37
38 **19.09.090 Building pad.**

39 A. Designation. New subdivisions ~~must shall~~ designate a building pad for each lot as follows:

- 40
41 1. The ~~applicant must determine the building pad shall be located to minimize or prevent~~
42 impacts as indicated in the following: location of a building pad by considering
43 a. Removal of trees and vegetation required for retention pursuant to Chapter 19.10
44 MICC shall be prevented;

- 1 b. -Disturbance of the existing, natural topography as a result of anticipated
2 development within the building pad shall be minimized;-
3 c. Impacts to critical areas and critical area buffers shall be minimized, consistent with
4 the provisions of Chapter 19.07 MICC; and,
5 the relationship of the proposed building pad to existing/proposed homes.

6 Access to the building pad ~~must~~ shall be consistent with the standards ~~for driveway access~~
7 contained in MICC 19.09.040.

8
9 2. Building pads shall not be located within:

- 10 a. Required setbacks;
11 b. Streets or rights of way; and; yard setbacks, rights of way and
12 c. Critical areas or its buffers; provided, however, building pads may be located within
13 landslide-geohazard hazard areas when all of the following are met: {
14 i. a) A qualified professional determines that the criteria of MICC 19.07.060(D),
15 Site Development, is satisfied; (b)
16 ii. b) Building pads are sited to minimize impacts to the extent reasonably
17 feasible; and
18 ii. (c) b) Building pads are not located in steep slopes or within 10 feet from the
19 top of a steep slope, unless such slopes, as determined by a qualified
20 professional, consist of soil types determined not to be landslide prone.

21
22 3. No cross-section dimension of a building pad shall be less than 20 feet in width.

23
24 B. No Designated Building Pad ~~Area~~.

- 25
26 1. New development proposals on a lot ~~On lots~~ without a previously designated building pad area,
27 development shall be located shall establish a building pad outside of critical areas unless
28 otherwise allowed by Chapter 19.07 MICC. consistent with the provisions of MICC 19.09.090(A)
29 above.
30
31 2. A building pad on a large lot shall also comply with the provisions of 19.09.100.

32
33 C. New buildings shall be located within the building pad established by subsection "A." or "B." above.

34
35
36 **19.09.100 Preferred practices.**

37 The applicant must use reasonable best efforts to comply with Proposed development shall incorporate
38 all of the following preferred development practices where feasible:

39
40 A. Use common access drives and utility corridors.

41
42 B. Development, including roads, walkways and parking areas in critical areas, should be avoided, or if
43 not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably
44 feasible.

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C. Retaining walls should be designed to minimize grading, including the placement of fill, on or near an existing natural slope used to maintain existing natural slopes in place of graded artificial slopes.

DRAFT

1 Chapter 19.10
2 TREES

3
4 **19.10.010 Purpose.**

5 Protecting, enhancing, and maintaining trees are key community values expressed in the Mercer Island
6 Comprehensive Plan. The purpose of this chapter is to establish standards and procedures that will
7 result in the retention of trees on Mercer Island.

8
9 The city recognizes that trees:

- 10 A. Contribute to the residential character on Mercer Island;
11 B. Provide a public health benefit;
12 C. Provide wind protection, ecological benefits to wetlands and watercourses, and aid in the
13 stabilization of geologically hazardous areas;
14 D. Improve surface water quality and control and benefit Lake Washington; and,
15 E. Reduce noise and air pollution.

16
17 The city further acknowledges that the value of protecting, enhancing, and maintaining trees should be
18 balanced with the other community goals of:

- 19 F. Reasonable enjoyment and use of private property by the property owner; and,
20 G. Providing delivery of reliable utility service.

21
22 **19.10.020 Permit required.**

23 Permit approval is required to cut, or remove directly or indirectly through site grading, any large tree
24 unless the activity is exempted pursuant to MICC 19.10.030. Permit approval may take the form of a
25 tree removal permit or, alternatively, tree removal may be authorized through another construction
26 permit approval. For example a homeowner who wishes to remove a large tree may apply for a tree
27 removal permit, while a property owner building an addition to an existing home, may request tree
28 approval as part of the building permit approval.

29
30 **19.10.030 Exemptions.**

31 Except where undertaken within critical areas and associated buffers, or on public property, the
32 following activities are exempt from the permitting, retention, and protection provisions of this chapter:

- 33 A. Emergency tree removal. Any hazardous tree that poses an imminent threat to life or property may
34 be removed. The city must be notified within fourteen (14) days of the emergency tree removal with
35 evidence of the threat for removing the tree to be considered exempt from this chapter. The code
36 official may require that the property owner obtain a permit and / or require replacement, if the city
37 arborist determines:
38 1. That the emergency tree removal was not warranted; or
39 2. The removed tree was retained as part of a prior approval of a permit or as a condition of land
40 use approval.
41 B. Small tree removal. Removal of trees that meet the definition of small trees.
42 C. Undesired / nuisance tree removal. Removal of Alder, Bitter Cherry, or Black Cottonwood, Norway
43 Maple, Horse Chestnut, Portugal Laurel and any plant identified in the weeds of concern, noxious, or
44 invasive weed lists established by Washington State or King County, as amended.

1 D. View easement / covenants. Tree removal required to enable any person to satisfy the terms and
2 conditions of any covenant, condition, view easement or other easement, or other restriction
3 encumbering the lot that was recorded on or before July 31, 2001;

4 E. Tree pruning. Tree pruning, as defined in MICC 19.16.010, on private property.

5
6 **19.10.040 Tree removal review and approval.**

7 A. R-8.4, R-9.6, R-12, and R-15 zoning designations - Tree removal not associated with a development
8 proposal. For example, tree removal for the maintenance of a landscaped yard area, which is not
9 associated with a new subdivision or new construction.

10 1. Tree removal not associated with a development proposal and located within critical areas,
11 critical area buffers, or the shoreline jurisdiction shall comply with the applicable provisions of
12 Chapter 19.07 MICC.

13 2. Applications for tree removal not associated with a development proposal shall provide
14 sufficient information to the City arborist to document the location, diameter, and species of the
15 tree removed pursuant to 19.10.090(A). The City arborist may require additional information to
16 confirm compliance with the provisions of Chapter 19.07 MICC.

17
18 B. R-8.4, R-9.6, R-12, and R-15 zoning designations - Tree removal associated with a development
19 proposal. For example, tree removal that will allow for the construction of a new home, an addition, or
20 associated with the approval of a new subdivision.

21 1. Tree removal associated with a development proposal shall comply with all of the provisions
22 of this chapter in addition to the applicable requirements of Chapter 19.07 MICC.

23 2. Applications for tree removal associated with a development proposal shall comply with MICC
24 19.10.090.

25
26 C. Commercial or multifamily zoning designations - Tree removal. A tree permit is required and will be
27 granted if it meets any of the following criteria:

28 1. It is necessary for public safety, removal of hazardous trees, or removal of diseased or dead
29 trees;

30 2. It is necessary to enable construction work on the property to proceed and the owner has
31 used reasonable best efforts to design and locate any improvements and perform the
32 construction work in a manner consistent with the purposes set forth in MICC 19.10.010;

33 3. It is necessary to enable any person to satisfy the terms and conditions of any covenant,
34 condition, view easement or other easement, or other restriction encumbering the lot that was
35 recorded on or before July 31, 2001; and subject to MICC 19.10.0980(A)(2)(B);

36 4. It is part of the city's forest management program or regular tree maintenance program and
37 the city is the applicant;

38 5. It is desirable for the enhancement of the ecosystem or slope stability based upon
39 professional reports in form and content acceptable to the city arborist.

40
41
42 D. Design Commission review required in commercial zones. A tree permit for a development proposal,
43 resulting in regulated improvements located in a commercial zone, that has previously received design

1 commission approval, must first be reviewed, and approved by the city's design commission prior to
2 permit issuance by the city.

3
4 E. Public property.

- 5 1. A private property owner may apply for a tree permit to prune or cut trees on any city street,
6 pursuant to MICC 19.10.100.
7 2. Pruning or cutting of trees within a public park by a private property owner is prohibited.
8

9 E. Private utility companies. A tree permit will be issued to private utility companies to cut trees
10 located on public or private property if necessary for public safety, removal of hazardous trees, removal
11 of diseased or dead trees, as part of any private utility tree maintenance program approved by the city,
12 or for construction work. Regardless of whether or not a permit is required, all cutting or pruning of
13 trees by private utility companies shall be performed under the supervision of a certified arborist and at
14 the sole cost and expense of the utility company.
15

16 **19.10.050 Tree removal – Not associated with development proposal.**

17 A tree permit is required for the removal of any large tree, and is subject to the requirements of MICC
18 19.15.010. Tree removal that is not associated with a development proposal is exempt from MICC
19 19.10.060 and MICC 19.10.070. For example, tree removal for the maintenance of a landscaped yard
20 area for a single family home, is exempt from tree retention and replacement required pursuant to
21 Chapter 19.10 MICC. This section shall not be construed as an exemption to the tree retention and
22 replacement requirements of Chapter 19.07 MICC.
23

24 **19.10.060 Tree retention associated with development proposal.**

25 A. Applicability. In the R-8.4, R-9.6, R-12, and R-15 zoning designations, tree retention is required for the
26 following development proposals:

- 27 1. An addition or remodel to an existing single family dwelling that will result in the addition of
28 more than 500 square feet of gross floor area on a lot with a net lot area of 6,000 square feet or
29 more;
30 2. A new single family dwelling on a lot with a net lot area of 6,000 square feet or more;
31 3. A subdivision or short subdivision.
32

33 B. Tree retention associated with an addition or remodel to an existing single family dwelling.

34 Construction of an addition or remodel to a single family dwelling that will result in the addition of more
35 than 500 square feet of gross floor area is subject to the following retention standards:

- 36 1. A minimum of 30% of trees with a diameter of 10 inches or greater shall be retained over a
37 rolling five year period.
38 2. Reasonable best efforts to retain large trees outside the area of land disturbance associated
39 with the construction of the addition to the single family dwelling.
40 3. Provide tree replacement pursuant to MICC 19.10.070.
41

42 C. Tree retention associated with the construction of a new single family dwelling. Construction of a
43 new single family dwelling is subject to the following retention standards:

1 1. A minimum of 30% of trees with a diameter of 10 inches or greater shall be retained over a
2 rolling five year period.

3 2. Reasonable best efforts to retain large trees outside the area of land disturbance associated
4 with the construction of the new single family dwelling.

5 3. Provide tree replacement pursuant to MICC 19.10.070.

6
7 D. Tree retention associated with a new subdivision or short subdivision. A development proposal for a
8 new subdivision or short subdivision is subject to the following retention standards:

9 1. A minimum of 30% of trees with a diameter of 10 inches or greater shall be retained over a
10 rolling five year period.

11 2. Reasonable best efforts to retain large trees outside the area of land disturbance associated
12 with the construction of new single family dwellings within the proposed subdivision.

13 3. Provide tree replacement pursuant to MICC 19.10.070.

14
15 E. Retention of priority trees.

16 1. Trees that meet the following criteria are prioritized for retention:

17 a. Trees that are in overall good health and have a greater likelihood of longevity; and

18 b. Trees that are part of a healthy copse or grove; or

19 c. Large trees with a diameter of 24 inches or greater; or

20 d. Trees that meet the definition of exceptional trees.

21 2. Priority trees that are retained during development shall credited as 1.5 trees for the
22 purposes of meeting the retention requirement. For example, a development proposal that is
23 required to retain 8 trees, may reduce the actual number of trees retained to 6 trees by
24 retaining 4 priority trees, and 2 “non-priority” trees. The 4 retained priority trees shall be
25 counted as 6 trees for the purposes of meeting the retention requirement.

26
27 F. Retention of exceptional trees. Exceptional trees shall be retained, except as follows:

28 1. Construction of an addition or remodel to a single family dwelling that will result in the
29 addition of more than 500 square feet of gross floor area shall retain exceptional trees and the
30 development proposal shall be designed to meet this standard. The city arborist may authorize
31 removal of exception trees in the following circumstances:

32 a. Retention of an exceptional tree(s) will result in an unavoidable hazardous situation;
33 or,

34 b. Retention of an exceptional tree(s) will prevent the construction of more than 50% of
35 the maximum gross floor area allowed under Chapter 19.02 MICC.

36 2. Construction of a new single family dwelling shall retain exceptional trees and the
37 development proposal shall be designed to meet this standard. The city arborist may authorize
38 removal of exception trees in the following circumstances:

39 a. Retention of an exceptional tree(s) will result in an unavoidable hazardous situation;
40 or,

41 b. Retention of an exceptional tree(s) will prevent the construction of more than 50% of
42 the maximum gross floor area allowed under Chapter 19.02 MICC.

43 3. A development proposal for a new subdivision or short subdivision shall retain exceptional
44 trees and the development proposal shall be designed to meet this standard. Use of the

1 optional subdivision design standards pursuant to MICC 19.08.030 is authorized for the
2 retention of exceptional trees. The city arborist may authorize removal of exception trees in the
3 following circumstances:

4 a. Retention of an exceptional tree(s) will result in an unavoidable hazardous situation;
5 or,

6 b. Retention of an exceptional tree(s) will prevent creation of a residential lot that is
7 otherwise allowed by Title 19 MICC.

8
9 E. Calculation of rolling five year period. For the purposes of this chapter, the rolling five year period
10 begins five years prior to the date of application for a development approval that is subject to tree
11 retention.

12
13 F. Compliance required. Development proposals on lots that have removed more than 70% of large
14 trees within the rolling five year period, such that the 30% tree retention requirement cannot be met,
15 shall not receive approval unless and until compliance has been achieved. For example, a lot that has
16 removed all of the trees in year “one”, may not receive a preliminary subdivision approval in year “four”.
17 However, the preliminary subdivision approval may be granted in year “six”, such that the rolling five
18 year period does not include the tree removal in year “one”.

19
20 **19.10.070 Tree replacement.**

21 Trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified in this
22 section.

23
24 A. Tree replacement ratio. Trees removed pursuant to MICC 19.10.040, shall have the following base
25 replacement ratio:

<u>Diameter of removed tree</u>	<u>Number of replacement trees required</u>
<u>10 inches up to 24 inches</u>	<u>1</u>
<u>24 inches up to 36 inches</u>	<u>2</u>
<u>More than 36 inches</u>	<u>4</u>

26
27 **B. Replacement Trees.**

28 1. Location. Replacement trees shall be located in the following order of priority from most
29 important to least important:

30 a. On-site replacement adjacent to or within critical tree areas as defined in Chapter
31 19.16 MICC;

32 b. On-site replacement outside of critical tree areas adjacent to other retained trees
33 making up a grove or stand of trees;

34 c. On-site replacement outside of critical tree areas; and,

35 d. Off-site in adjacent public right-of-way where explicitly authorized by the city.

36 2. Species. In making a determination regarding the species of replacement trees, the city
37 arborist shall defer to the species selected by the property owner unless the city arborist
38 determines that the species selected is unlikely to survive for a period of at least 10 years,
39 represents a danger or nuisance, would threaten overhead or underground utilities or would fail
40 to provide adequate protection to any critical tree area.

1 3. Size.

2 a. Coniferous trees shall be at least 6 feet tall; and

3 b. Deciduous trees shall be at least 1.5 inches in caliper.

4 The city arborist may authorize the planting of smaller-sized replacement trees if the applicant
5 can demonstrate that smaller trees are more suited to the species, the site conditions,
6 neighborhood character, and the purposes of this section, and that such replacement trees will
7 be planted in sufficient quantities to meet the intent of this section.

8 4. Reduction. The city arborist may reduce the number of replacement trees as follows, where
9 other measures designed to mitigate the tree loss by restoring the tree canopy coverage and its
10 associated benefits are considered to be effective and consistent with the purposes of this
11 chapter. The city arborist may consider, but is not limited to, the following measures:

12 a. Replacement of hazardous, undesired, or short-lived trees with healthy new trees
13 that have a greater chance of long-term survival;

14 b. Restoration of critical tree areas with native vegetation; and,

15 c. Protection of small trees to provide for successional stages of tree canopy.

16
17 C. Fee-in-lieu. If the city arborist determines there is insufficient area to replant on the site or within the
18 adjacent public right-of-way, the city arborist may authorize payment of a fee-in-lieu provided:

19 1. There is insufficient area on the lot for proposed on-site tree replacement to meet the tree
20 replacement requirements of this chapter; or

21 2. Tree replacement or management provided within public right-of-way or a city park in the
22 vicinity will be of greater benefit to the community.

23 3. Fees provided in lieu of on-site tree replacement shall be determined based upon:

24 a. The expected tree replacement cost including labor, materials, and maintenance for
25 each replacement tree; and,

26 b. The most current Council of Tree and Landscaper Appraisers Guide for Plant
27 Appraisal.

28 4. Any fee in lieu is also optional for the applicant and requires an explicit written agreement.

29
30 D. Maintenance of Replacement Trees. The applicant shall maintain all replacement trees in a healthy
31 condition for a period of two years after planting. The applicant shall be obligated to replant any
32 replacement tree that dies, becomes diseased, or is removed during this two-year time period.

33
34 E. Private Utility Company. If the permit is granted to a private utility company and the property owner
35 is unwilling to place any replacement trees on the owner's property, the private utility company shall
36 pay to the city the amount necessary to purchase and plant replacement trees on public property
37 necessary to mitigate the impact of the removed trees based upon arborist industry standards. Monies
38 paid to the city for replacement trees shall be used for that purpose.

39
40 **19.10.080 Tree protection standards.**

41 A. To ensure long-term viability of trees identified for protection, permit plans and construction
42 activities shall comply with the following minimum required tree protection:

43 1. All minimum required tree protection measures shall be shown on the development plan set
44 and tree re-planting / restoration / protection plan.

1 2. Tree protection barriers shall be installed five feet beyond the drip line of large trees to be
2 protected prior to any land disturbance. No construction related activity or work shall occur
3 within the tree protection barriers.

4 3. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or
5 polyethylene laminar safety fencing or other material, subject to approval by the city arborist.
6 On large or multiple-project sites, the city arborist may also require that signs requesting
7 subcontractor cooperation and compliance with tree protection standards be posted at site
8 entrances.

9 4. Where tree protection areas are remote from areas of land disturbance, and where approved
10 by the city arborist, alternative forms of tree protection may be used in lieu of tree protection
11 barriers, provided that protected trees are completely surrounded with continuous rope or
12 flagging and are accompanied by "Tree Save Area – Keep Out" signs or similar signage
13 authorized by the city arborist.

14
15 B. Preventative Measures. In addition to the above minimum protection measures, the applicant shall
16 support the protection measures by employing recommended International Society of Arboriculture
17 techniques or best practices, which shall be subject to review and approval by the city arborist.

18
19 C. Alternative Methods. The city arborist may approve construction related activity or work within the
20 tree protection barriers if the city arborist concludes:

- 21 1. That such activity or work will not threaten the long term health of the retained tree(s); and,
22 2. That such activity or work complies with the protective methods and best building practices
23 established by the International Society of Arboriculture.

24
25 **19.10.090 Application requirements.**

26 The city shall establish and maintain a tree removal permit application form to allow property owners to
27 request city review of tree removal for compliance with applicable city regulations. The application shall
28 include at a minimum, the following:

29 A. General Information.

- 30 1. The name, address, and telephone number of the applicant and owner of the property and
31 the street address.
32 2. The proposed location, species, diameter, and number of trees proposed to be cut or public
33 tree proposed to be pruned.
34 3. A site plan reflecting the location of large trees and the relative location of structures,
35 driveways, and buildings.

36
37 B. Critical Tree Area. An application covering a tree located in a critical tree area, as defined in Chapter
38 19.16 MICC, shall include a proposed time schedule for the cutting, land restoration, implementation of
39 erosion control and other measures that will be taken in order to prevent damage to the critical tree
40 area.

41
42 C. Development plan set. An application for a development proposal that requires tree retention, and
43 that will result in the removal of one or more trees and as a result of construction work, shall include the
44 following:

1 1. Detailed site plan. The site plan shall include the following information at a minimum:

2 a. Location of all proposed improvements, including building footprint, access, utilities,
3 applicable setbacks, buffers, and required landscaped areas clearly identified. If a short
4 plat or subdivision is being proposed and the location of all proposed improvements
5 cannot be established, a phased tree retention plan review is required as described
6 below;

7 b. Accurate location of large trees on the subject property (surveyed locations may be
8 required). The site plan must also include the trunk location and critical root zone of
9 large trees that are on adjacent property with driplines extending over the subject
10 property line;

11 c. Trees labeled corresponding to the tree inventory numbering system;

12 d. Location of tree protection measures;

13 e. Indicate limits of disturbance (LOD) drawn to scale around all trees potentially
14 impacted by site disturbances resulting from grading, demolition, or construction
15 activities (including approximate LOD of off-site trees with overhanging driplines);

16 f. Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting
17 out;

18 g. Proposed locations of any required replacement trees.

19 2. A Tree Retention Plan and Arborist Report. The tree retention plan shall contain the following
20 information:

21 a. A tree inventory containing the following:

22 i. A numbering system of all existing large trees on the subject property (with
23 corresponding tags on trees); the inventory shall also include large trees on
24 adjacent property with driplines extending into the development proposal site;

25 ii. Size (diameter);

26 iii. Proposed tree status (retained or removed);

27 iv. Tree type or species;

28 v. Brief general health or condition rating of these trees (i.e. poor, fair, good,
29 etc.)

30 b. An arborist report, prepared by a qualified arborist, containing the following:

31 i. A complete description of each tree's diameter, species, critical root zone,
32 limits of allowable disturbance, health, condition, and viability;

33 ii. A description of the method(s) used to determine the limits of allowable
34 disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis
35 description for individual trees);

36 iii. Any special instructions specifically outlining any work proposed within the
37 limits of the disturbance protection area (i.e., hand-digging, air spade, tunneling,
38 root pruning, any grade changes, clearing, monitoring, and aftercare);

39 iv. For trees not viable for retention, a description of the reason(s) for removal
40 based on poor health, high risk of failure due to structure, defects, unavoidable
41 isolation (windfirmness), or unsuitability of species, etc., and for which no
42 reasonable alternative action is possible must be given (pruning, cabling, etc.);

43 v. Describe the impact of necessary tree removal to the remaining trees,
44 including those in a grove or on adjacent properties;

1 vi. For development applications, a discussion of timing and installation of tree
2 protection measures. Such measures must include fencing and be in
3 accordance with the tree protection standards as outlined in MICC 19.10; and
4 vii. The suggested location and species of supplemental trees to be used when
5 required. The report shall include planting and maintenance specifications to
6 ensure long term survival.

7 3. Additional Information. The city arborist or code official may require additional
8 documentation, plans, or information as needed to ensure compliance with applicable city
9 regulations.

10
11 E. Peer review and conflict of interest.

12 1. The city may require peer review of the tree permit application by a qualified arborist to
13 verify the adequacy of the information and analysis. The applicant shall bear the cost of the peer
14 review.

15 2. The code official may require the applicant retain a replacement qualified arborist or may
16 require a peer review where the code official believes a conflict of interest exists. For example, if
17 an otherwise qualified arborist is employed by a tree removal company and prepares the
18 arborist report for a development proposal, a replacement qualified arborist or a peer review
19 may be required.

20
21
22 **19.10.100 Trees on public property.**

23 An application for a tree permit to cut a tree on public property or a request to have the city prune a
24 public tree located on a city street shall be reviewed by the city arborist based upon the following
25 conditions and criteria:

26
27 A. By the city. An annual tree permit will be issued to the city to cut any public trees necessary for public
28 safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest
29 management program or regular tree maintenance program or for construction work on public
30 property.

31
32 B. By private property owners in city street. A private property owner may apply for a tree permit to cut
33 or prune a public tree located on any city street if the owner demonstrates in the following order that all
34 of the criteria are satisfied:

35 1. The owner establishes that the tree is located on a city street;

36 2. The city arborist determines that proposed pruning or cutting can be performed without
37 adversely affecting any critical tree areas;

38 3. The city arborist determines that proposed cutting or pruning of public trees is:

39 i. Necessary for access to private property;

40 ii. Necessary for installation of required public improvements (e.g. sidewalk, public
41 utilities, etc);

42 iii. Required to resolve a possible hazard to public or private health or safety; or,

- iv. Requested by a valid petition executed by at least 60 percent of the property owners located within a 300-foot radius of the subject tree in favor of the proposed pruning of the tree; and
- 5. The private property owner provides tree replacement consistent with MICC 19.10.070.
- 6. The owner pays a fee to cover all costs associated with reviewing the pruning or cutting request;
- 7. The pruning or cutting is performed at the sole cost and expense of the private property owner; and,
- 7. Tree topping is prohibited.

C. Pruning or cutting of trees within a public park by a private property owner is prohibited.

19.10.110 Seasonal development limitations.

No cutting of trees located in geologic hazard areas or protected slope areas is allowed between October 1 and April 1 unless: (i) a tree permit with explicit authorization for removal between October 1 and April 1 has been granted; or (ii) removal is required due to an emergency situation involving immediate danger to life or property. The city arborist may authorize tree removal between October 1 and April 1 if the city arborist determines that such environmentally critical areas will not be adversely impacted by the proposed cutting and the applicant demonstrates compelling justification based on a geotechnical evaluation of the site. The city arborist may require hydrology, soils and storm water studies, erosion control measures, restoration plans, and/or an indemnification/release agreement.

19.10.120 Rounding.

When the retention or replacement calculations results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

- A. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
- B. Fractions below 0.50 shall be rounded down to the closest whole number.

19.10.130 Nuisance abatement.

A. Trees and vegetation which meet the definition of a nuisance shall be subject to the provisions of Chapter 8.24 MICC, Nuisance Control Code.

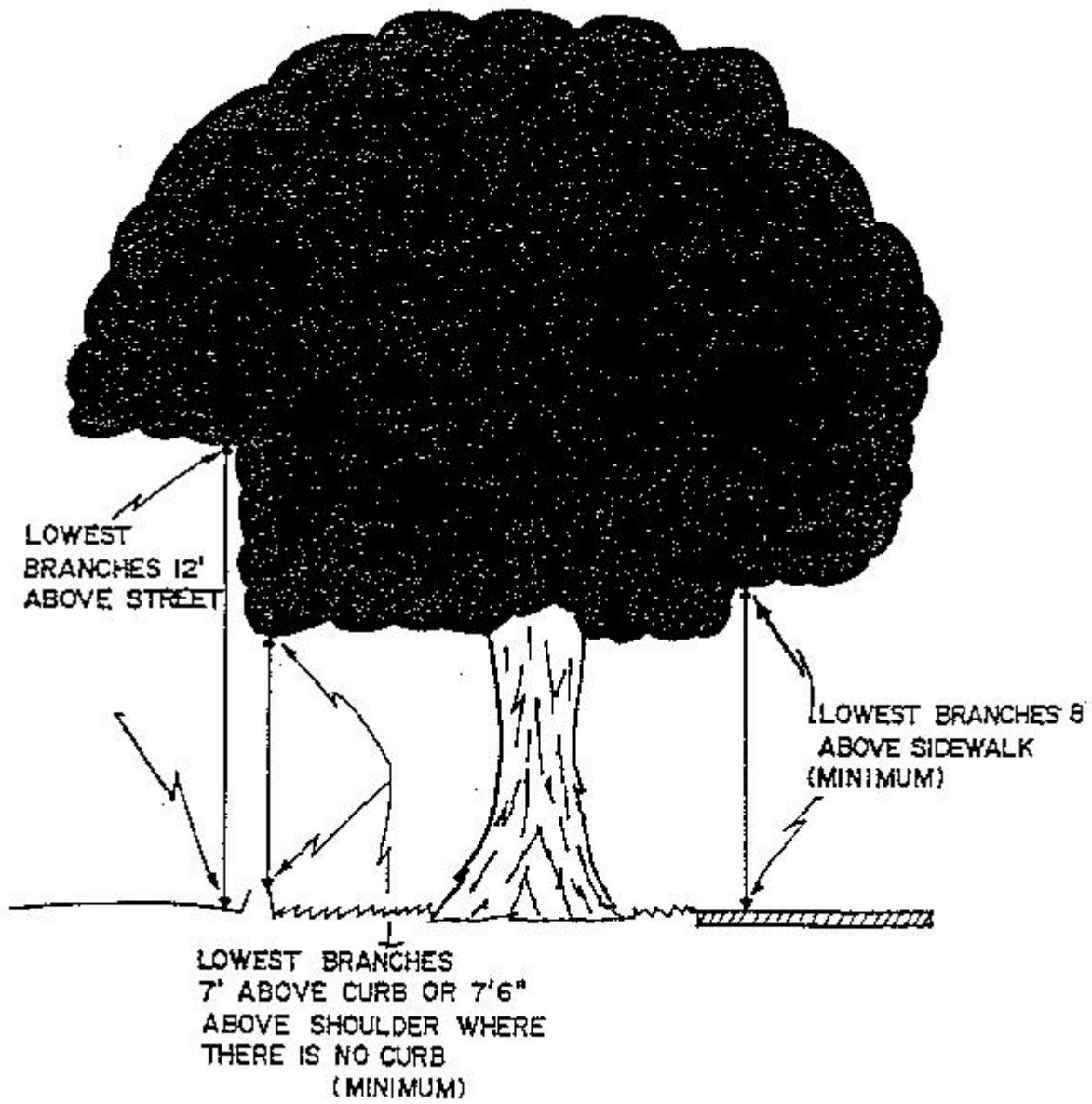
B. In addition to the provisions of Chapter 8.24 MICC, Nuisance Control Code, the following requirements shall apply to trees and vegetation:

- 1. Branches over roads shall be trimmed to a minimum of 12 feet above the road surface. (see Figure 1).
- 2. Branches over sidewalks shall be trimmed to a minimum of eight feet above the sidewalk and one foot behind the sidewalk (see Figure 1).
- 3. Street trees and other vegetation will be spaced according to the following spacing requirements to facilitate the safe flow of traffic (see Figure 2):

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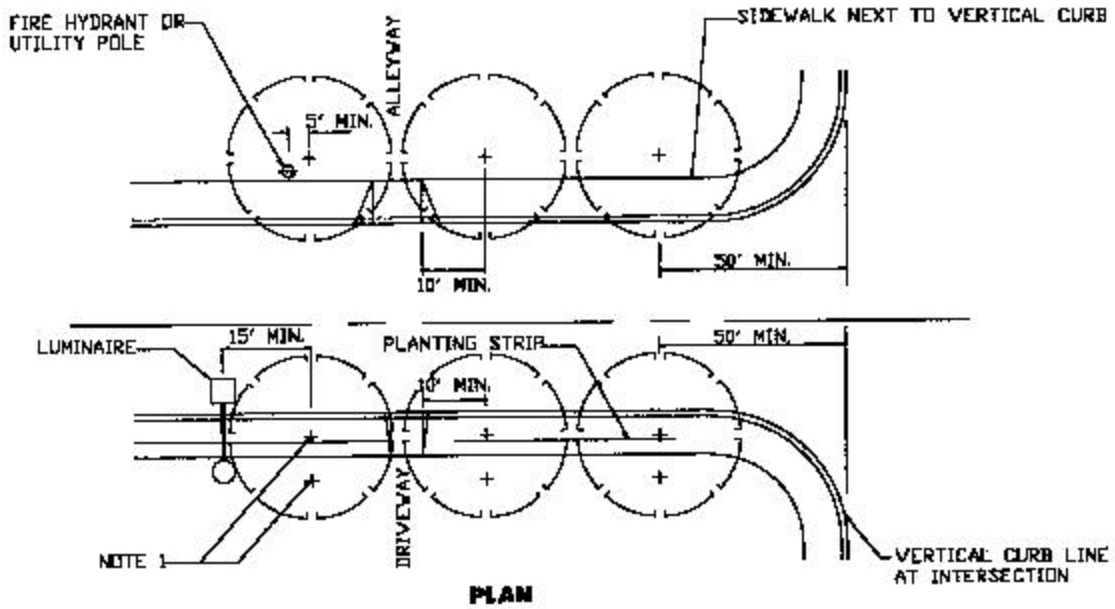
- a. No tree plantings are allowed within a 30-foot sight triangle at any street intersection.
- b. Shrubs shall not exceed 36 inches in height above the street level within this triangle.
- c. Ten-foot minimum spacing shall be observed for small trees.
- d. Hedges are not allowed between the sidewalk and the curb, and must be planted at least five feet behind the sidewalk.
- e. Hedges must be trimmed at least three feet behind the sidewalk.
- f. Plantings of trees, shrubs or hedges are not allowed between the street/road edge and a ditch.

DRAFT




- 1
- 2
- 3

Figure 1



NOTES:

1. TREES SHALL GENERALLY BE PLANTED BACK OF THE SIDEWALK. PLANTING STRIPS WILL BE APPROVED ONLY AS PART OF A LANDSCAPING PLAN IN WHICH PLANT MAINTENANCE, LANDSCAPING PLAN IN COMPATIBILITY WITH UTILITIES, AND TRAFFIC SAFETY ARE DULY CONSIDERED.
2. IF PLANTING STRIPS ARE APPROVED:
 - A. MIN. DISTANCE FROM CENTER OF ANY TREE TO NEAREST EDGE OF VERTICAL CURB SHALL BE 4 FEET.
 - B. TREES SHALL BE STAKED ON A MANNER NOT TO OBSTRUCT SIDEWALK TRAFFIC.
 - C. IN CASE OF BLOCK-OUTS, MIN. CLEAR SIDEWALK WIDTH SHALL BE 5 FEET IN RESIDENTIAL OR 8 FEET IN BUSINESS DISTRICTS.
3. ON BUS ROUTES, PLANS SHALL BE COORDINATED WITH METRO SERVICE PLANNING.

	CITY OF MERCER ISLAND STANDARD DETAILS URBAN FORESTRY	
	STREET TREE STANDARDS	
1-1-2000	NO SCALE	

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Figure 2

19.10.140 Appeals.

1 Any person or persons aggrieved by any action or decision of city staff made pursuant to any section of
2 this chapter, may appeal such action or decision in accordance with the appeal procedure set forth in
3 Chapter 19.15 MICC.

4
5 **19.10.150 Enforcement.**

6 A. Violation. It is a violation of this chapter for any person to fail to comply with the requirements of this
7 chapter.

8
9 **B. Civil Penalty and Remediation.**

10 1. Civil Penalty. The penalty for violating this chapter shall be a fine equal to up to three times
11 the value of the damaged or cut tree or removed vegetative cover, plus the cost of reasonable
12 remediation. Trees and other vegetation shall be appraised according to the method specified
13 by the Council of Landscape and Tree Appraisers, most current edition.

14 2. Remediation. Remediation for tree removed in violation of this chapter shall include, but is
15 not limited to, the following:

- 16 a. Removal of the remaining plant parts or debris;
- 17 b. Preparation of a re-planting plan in a form approved by the code official for re-
- 18 planting the area where trees were removed in violation of this chapter;
- 19 c. Payment of the costs to review, approve, and administer the remediation process;
- 20 d. Installation of the required re-plantings as reflected on the re-planting plan; and,
- 21 e. Maintenance of the required re-plantings for a period of two years.

22
23 C. Tree retention enforcement. Trees identified for retention through the approval of development
24 proposal that are subsequently removed, or are damaged to the extent that removal is required, with
25 prior written approval by the City arborist, whether the removal or damage is intentional or
26 unintentional, shall result in a civil penalty pursuant to section "B." above, in addition to required
27 replanting and remediation. The code official may waive the civil penalty if the code official determines
28 that appropriate tree protection standards were in place and maintained and natural disaster or events
29 entirely outside the knowledge and control of the property owner, resulted in the tree loss.

30
31
32 **19.10.010 Purpose.**

33 ~~—These regulations are adopted to promote the public health, safety and general welfare of the~~
34 ~~citizens of Mercer Island, including minimizing erosion, siltation and water pollution in Lake~~
35 ~~Washington, surface water and ground water runoff, risks of slides, and the need for additional~~
36 ~~storm drainage facilities; preserving trees for the reduction of noise, wind protection, slope~~
37 ~~stabilization, animal habitat, and reduction in air pollution; removing diseased or hazardous trees;~~
38 ~~implementing the city's comprehensive plan; designating and preserving historical trees; and~~
39 ~~providing for the delivery of reliable utility service, reasonable development of property and~~
40 ~~reasonable preservation or enhancement of property views.~~

41
42 **19.10.020 Permit requirements.**

43 ~~approximate approximate~~

1 ~~A. No Permit Required. Except as otherwise provided in subsection B of this section, no tree permit is~~
2 ~~required for an owner or an owner's agent to cut or prune trees located on the owner's property as~~
3 ~~follows:~~

- 4
- 5 ~~1. Outside Critical Tree Area. No tree permit is required to cut any tree located outside a critical~~
6 ~~tree area;~~
 - 7
 - 8 ~~2. Pruning. No tree permit is required to perform pruning of any tree; and~~
 - 9
 - 10 ~~3. Size of Tree. No tree permit is required to cut any small tree.~~

11

12 ~~B. Permit Required. A tree permit is required to cut a tree as follows:~~

- 13
- 14 ~~1. Construction Work. A tree permit is required to cut any large tree as a result of construction~~
15 ~~work;~~
- 16
- 17 ~~2. Landmark Tree/Grove. A tree permit is required to cut a landmark tree or any tree located in~~
18 ~~a landmark grove;~~
- 19
- 20 ~~3. Critical Tree Area. A tree permit is required to cut any large tree located in a critical tree area;~~
- 21
- 22 ~~4. Commercial Zone. A tree permit is required to cut any large tree located in a commercial~~
23 ~~zone;~~
- 24
- 25 ~~5. Emergency. A tree on private property may be cut without a tree permit in an emergency~~
26 ~~situation involving immediate danger to life or property so long as the city arborist is notified~~
27 ~~within seven days of the tree having been cut, is provided such additional information as the city~~
28 ~~arborist requests in order to verify the emergency, and a tree permit is obtained within 20 days~~
29 ~~following the cutting of the tree if a tree permit is required under this section;~~
- 30
- 31 ~~6. Public Tree.~~
 - 32
 - 33 ~~a. By the City. The city is obligated to comply with the permit requirements as set forth~~
34 ~~in this chapter;~~
 - 35
 - 36 ~~b. By Private Property Owners. No private property owner may cut or prune a public~~
37 ~~tree. A private property owner can request the city to prune a tree located on any city~~
38 ~~street subject to the conditions set forth in MICC 19.10.040(A)(2);~~
- 39
- 40 ~~7. Private Utility Company. A tree permit is required for a private utility company to cut any tree.~~

41

42

43 ~~19.10.030 Seasonal development limitations.~~

1 No cutting of trees located in geologic hazard areas or protected slope areas is allowed between
2 October 1 and April 1 unless: (i) an administrative waiver has been granted; or (ii) it is required due to an
3 emergency situation involving immediate danger to life or property. The city arborist may grant an
4 administrative waiver to this seasonal development limitation if the city arborist determines that such
5 environmentally sensitive areas will not be adversely impacted by the proposed cutting and the
6 applicant demonstrates compelling justification by a geotechnical evaluation of the site. The city arborist
7 may require hydrology, soils and storm water retention studies, erosion control measures, restoration
8 plans, and/or an indemnification/release agreement.

9
10
11 **19.10.040 Criteria.**

12 **A. Trees on Public Property.** An application for a tree permit to cut a tree on public property or a request
13 to have the city prune a public tree located on a city street shall be reviewed by the city arborist based
14 upon the following conditions and criteria:

15
16 1. **By the City.** An annual tree permit will be issued to the city to cut any public trees necessary for public
17 safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest
18 management program or regular tree maintenance program or for construction work on public
19 property.

20
21 2. **By Private Property Owners.** A private property owner may request the pruning of a public tree
22 located on any city street if the owner demonstrates in the following order that all of the criteria are
23 satisfied:

24
25 a. The owner establishes that the tree is located on a city street;

26
27 b. The owner submits a valid petition executed by at least 60 percent of the property owners
28 located within a 300-foot radius of the subject tree in favor of the proposed pruning of the tree;

29
30 c. The city arborist determines that the proposed pruning can be performed without adversely
31 affecting any critical tree areas;

32
33 d. The owner pays a fee to cover all costs associated with reviewing the pruning request; and

34
35 e. The pruning is performed by the city but at the sole cost and expense of the private property owner.

36 **B. Trees on Private Property.** When a tree permit is required to cut a tree on private property, the tree
37 permit will be granted if it meets any of the following criteria:

38
39 1. It is necessary for public safety, removal of hazardous trees, or removal of diseased or dead trees;

40
41 2. It is necessary to enable construction work on the property to proceed and the owner has used
42 reasonable best efforts to design and locate any improvements and perform the construction work in a
43 manner consistent with the purposes set forth in MICC 19.10.010;

1 ~~3. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition,~~
2 ~~view easement or other easement, or other restriction encumbering the lot that was recorded on or~~
3 ~~before July 31, 2001; and subject to MICC 19.10.080(A)(2);~~
4

5 ~~4. It is part of the city's forest management program or regular tree maintenance program and the city is~~
6 ~~the applicant;~~
7

8 ~~5. The permit seeks to cut one of the following common, short-lived "weedy" tree species: Alder, Bitter~~
9 ~~Cherry, or Black Cottonwood; or~~
10

11 ~~6. It is desirable for the enhancement of the ecosystem or slope stability based upon professional~~
12 ~~reports in form and content acceptable to the city arborist.~~
13

14 ~~**C. Trees Cut/Pruned by Private Utility Companies.** A tree permit will be issued to private utility~~
15 ~~companies to cut trees located on public or private property if necessary for public safety, removal of~~
16 ~~hazardous trees, removal of diseased or dead trees, as part of any private utility tree maintenance~~
17 ~~program approved by the city, or for construction work. Regardless of whether or not a permit is~~
18 ~~required, all cutting or pruning of trees by private utility companies shall be performed under the~~
19 ~~supervision of a certified arborist and at the sole cost and expense of the utility company.~~
20 ~~retention~~
21

22 ~~**19.10.050 Commission review required in commercial zones.**~~

23 ~~A tree permit covering regulated improvements located in a commercial zone, that have previously~~
24 ~~received design commission approval, must first be reviewed and approved by the city's design~~
25 ~~commission prior to permit issuance by the city.~~
26

27 ~~**19.10.060 Tree replacement.**~~

28 ~~Any trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified in~~
29 ~~this section.~~
30

31 ~~**A. Private Utility Company.** If the permit is granted to a private utility company and the property owner~~
32 ~~is unwilling to place any replacement trees on the owner's property, the private utility company shall~~
33 ~~pay to the city the amount necessary to purchase and plant replacement trees on public property~~
34 ~~necessary to mitigate the impact of the removed trees based upon arborist industry standards. Monies~~
35 ~~paid to the city for replacement trees shall be used for that purpose.~~
36

37 ~~**B. Species.** In making a determination regarding the species of replacement trees, the city arborist shall~~
38 ~~defer to the species selected by the property owner unless the city arborist determines that the species~~
39 ~~selected is unlikely to survive for a period of at least 10 years, represents a danger or nuisance, would~~
40 ~~threaten overhead or underground utilities or would fail to provide adequate protection to any critical~~
41 ~~tree area.~~
42

43 ~~**C. Size.** All replacement trees shall be at least six feet tall, unless a smaller size tree or shrub is approved~~
44 ~~by the city arborist.~~

1
2 ~~D. Replacement Trees – Number. In making a determination regarding the number of replacement~~
3 ~~trees required, the city arborist shall apply a replacement ratio based on a sliding scale of 0:1 up to 4:1,~~
4 ~~depending upon the criteria in the following priority order:~~

5
6 ~~1. Percentage of slope, slope stability, topography and general soil conditions;~~

7
8 ~~2. Trunk size and canopy of tree to be cut and trunk size and canopy of replacement tree;~~

9
10 ~~3. Size and shape of lot and area available to be replanted; and~~

11
12 ~~4. Proximity to any critical tree area and/or the existence and retention of vegetative cover in any critical~~
13 ~~tree area.~~

14
15 ~~E. Maintenance of Replacement Trees. The applicant shall maintain all replacement trees in a healthy~~
16 ~~condition for a period of two years after planting. The applicant shall be obligated to replant any~~
17 ~~replacement tree that dies, becomes diseased or is removed during this two-year time period.~~

18
19
20 ~~**19.10.070 Bald eagle and other federal and state requirements.**~~

21 ~~In addition to any requirement of this chapter, persons must comply with all applicable federal and state~~
22 ~~laws, rules and regulations including without limitation the Endangered Species Act, the Bald Eagle~~
23 ~~Protection Act and the Migratory Bird Treaty Act, as now existing or hereinafter adopted or amended.~~

24
25
26 ~~**19.10.080 Permit applications.**~~

27 ~~A. Form. An application for a tree permit shall be submitted on a form provided by the city and shall~~
28 ~~include the following information:~~

29
30 ~~1. General Information.~~

31
32 ~~a. The applicant shall give the name, address and telephone number of the applicant~~
33 ~~and owner of the property and the street address.~~

34
35 ~~b. The applicant must provide information on the proposed location, species, diameter~~
36 ~~and number of trees proposed to be cut or public tree proposed to be pruned.~~

37
38 ~~c. The applicant must agree to pay all costs of cutting, pruning, removing debris,~~
39 ~~cleaning, purchasing and planting replacement trees and any traffic control needed.~~

40
41 ~~2. Critical Tree Area. An application covering a tree located in a critical tree area shall include a~~
42 ~~proposed time schedule for the cutting, land restoration, implementation of erosion control and~~
43 ~~other measures that will be taken in order to prevent damage to the critical tree area.~~

1 ~~3. Construction Work. An application covering a tree to be cut as a result of construction work~~
2 ~~shall include the following:~~

3
4 ~~a. Plot Plan. Two prints of the plot plan at a scale of one inch equals 10 feet (1" = 10') or~~
5 ~~larger. The scale and north indicator shall be given on the plan. The plot plan shall:~~

6
7 ~~i. Indicate topography by contours at a minimum of five foot intervals, and the~~
8 ~~grading by dashed contour lines for existing grades and by solid contour lines for~~
9 ~~existing grades to be changed. The entire area to be cut and/or filled shall be~~
10 ~~indicated, and temporary storage of any excavated or fill material also~~
11 ~~indicated;~~

12
13 ~~ii. Indicate the location of existing and proposed improvements including, but~~
14 ~~not limited to, structures, driveways, ponds, the location of building (zoning)~~
15 ~~setbacks and grade changes; and~~

16
17 ~~iii. Indicate the location, diameter and/or size, and species of all large trees.~~
18 ~~Trees proposed to be cut shall be identified and differentiated from those trees~~
19 ~~not being cut. For a permit involving any critical tree area, the applicant shall~~
20 ~~also identify vegetative cover that will be retained or removed.~~

21
22 ~~b. Restoration/Protection Plan. An applicant shall provide a plan for protecting trees~~
23 ~~that are not intended to be cut, a plan for conducting all construction work in~~
24 ~~accordance with best construction practices and a plan for erosion control and~~
25 ~~restoration of land during and immediately following the construction period.~~

26
27 ~~4. Public Trees. An application for a permit by a private utility company to cut a public tree~~
28 ~~pursuant to MICC 19.10.040(C) or by a private property owner to prune a public tree on any city~~
29 ~~street pursuant to MICC 19.10.040 (A)(2), shall include all such information as the city arborist~~
30 ~~may require in order to verify that all conditions of those sections have been satisfied. If there is~~
31 ~~a dispute as to whether a tree is located on public property or private property, the city arborist~~
32 ~~may require a survey, at the applicant's expense, that is not more than one year old indicating~~
33 ~~the boundaries of the private property and the public property.~~

34
35 ~~B. City Review. The city arborist shall complete a review and make a decision within 30 days from the~~
36 ~~date a complete application is submitted unless an extension, not to exceed 20 days, is authorized by~~
37 ~~the city manager or designee.~~

38
39 ~~C. Permit Expiration. Any permit granted hereunder shall expire one year from the date of issuance.~~
40 ~~Upon a showing of good cause, a permit may be extended for one year. Any material change in plans or~~
41 ~~information from that presented with the permit application that occurs prior to the cutting requires~~
42 ~~submittal of an amended application for review and approval by the city arborist. The permit may be~~
43 ~~suspended or revoked by the city arborist because of incorrect material information supplied or any~~
44 ~~violation of the provisions of this chapter.~~

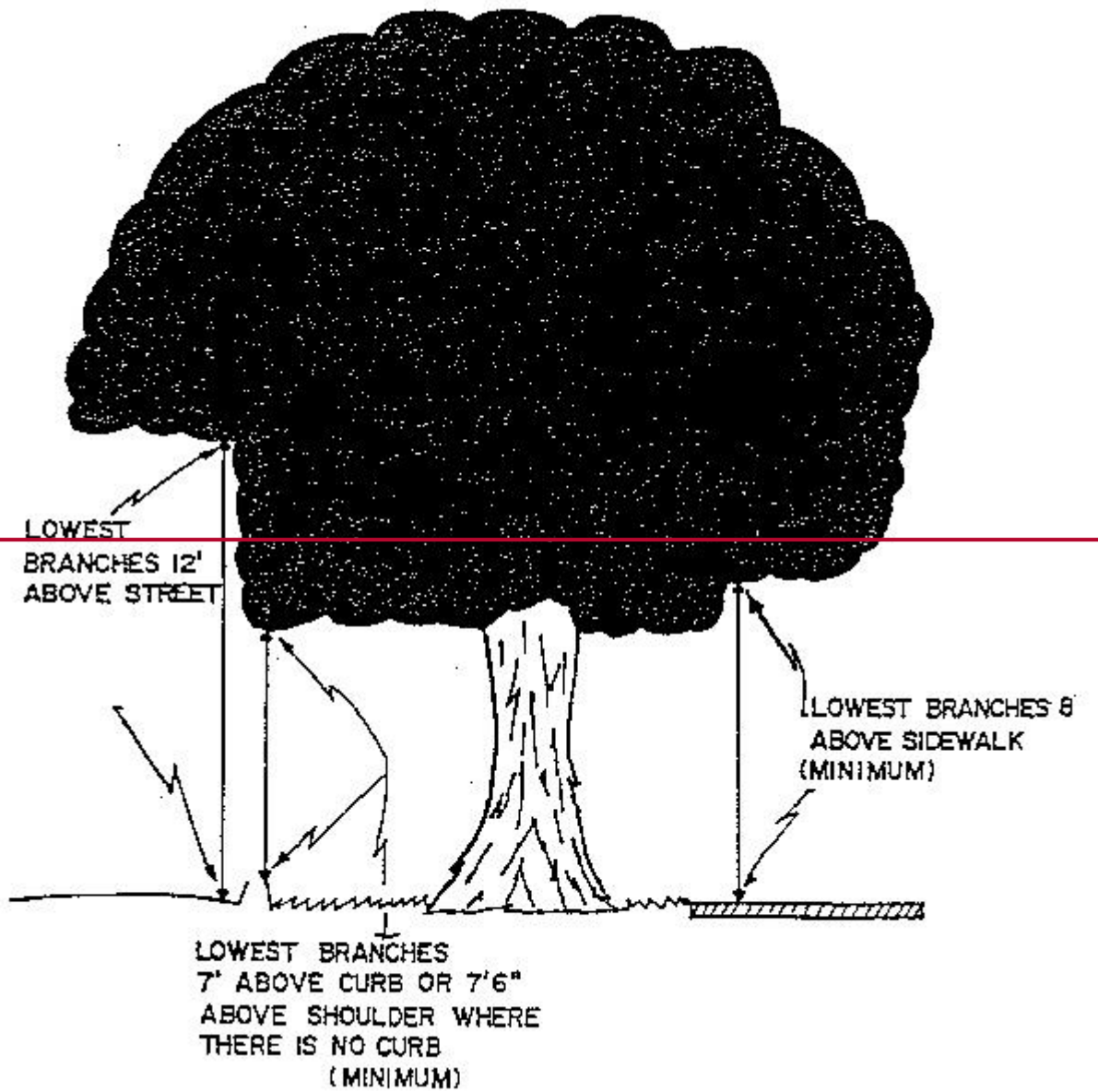
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19.10.090 Nuisance abatement.

A. Trees and vegetation which meet the definition of a nuisance shall be subject to the provisions of Chapter 8.24 MICC, Nuisance Control Code.

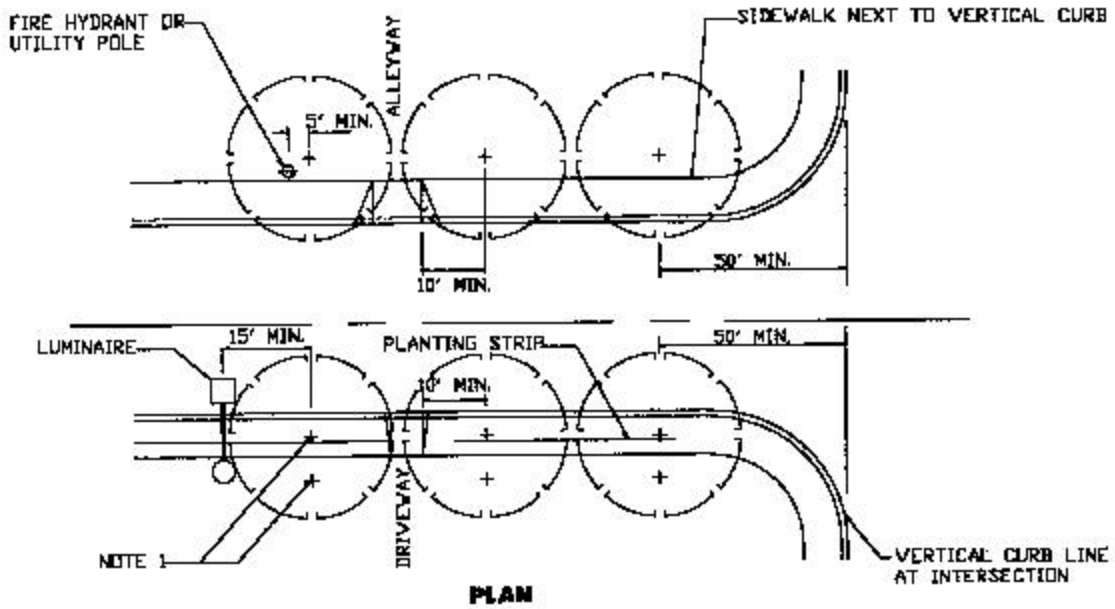
B. In addition to the provisions of Chapter 8.24 MICC, Nuisance Control Code, the following requirements shall apply to trees and vegetation:

1. Branches over roads shall be trimmed to a minimum of 12 feet above the road surface. (see Figure 1).
2. Branches over sidewalks shall be trimmed to a minimum of eight feet above the sidewalk and one foot behind the sidewalk (see Figure 1).
3. Street trees and other vegetation will be spaced according to the following spacing requirements to facilitate the safe flow of traffic (see Figure 2):
 - a. No tree plantings are allowed within a 30-foot sight triangle at any street intersection.
 - b. Shrubs shall not exceed 36 inches in height above the street level within this triangle.
 - c. Ten-foot minimum spacing shall be observed for small trees.
 - d. Hedges are not allowed between the sidewalk and the curb, and must be planted at least five feet behind the sidewalk.
 - e. Hedges must be trimmed at least three feet behind the sidewalk.
 - f. Plantings of trees, shrubs or hedges are not allowed between the street/road edge and a ditch.




1
2
3

Figure 1



NOTES:

1. TREES SHALL GENERALLY BE PLANTED BACK OF THE SIDEWALK. PLANTING STRIPS WILL BE APPROVED ONLY AS PART OF A LANDSCAPING PLAN IN WHICH PLANT MAINTENANCE, LANDSCAPING PLAN IN COMPATIBILITY WITH UTILITIES, AND TRAFFIC SAFETY ARE DULY CONSIDERED.
2. IF PLANTING STRIPS ARE APPROVED:
 - A. MIN. DISTANCE FROM CENTER OF ANY TREE TO NEAREST EDGE OF VERTICAL CURB SHALL BE 4 FEET.
 - B. TREES SHALL BE STAKED ON A MANNER NOT TO OBSTRUCT SIDEWALK TRAFFIC.
 - C. IN CASE OF BLOCK-OUTS, MIN. CLEAR SIDEWALK WIDTH SHALL BE 5 FEET IN RESIDENTIAL OR 8 FEET IN BUSINESS DISTRICTS.
3. ON BUS ROUTES, PLANS SHALL BE COORDINATED WITH METRO SERVICE PLANNING.

	CITY OF MERCER ISLAND STANDARD DETAILS URBAN FORESTRY
STREET TREE STANDARDS	
1-1-2000	NO SCALE

1
2 **Figure 2**

3
4
5 **19.10.100 Appeals.**

1 Any person or persons aggrieved by any action or decision of city staff made pursuant to any section of
2 this chapter, may appeal such action or decision to the planning commission in accordance with the
3 appeal procedure set forth in MICC 19.15.020(J).
4

5
6 **19.10.110 Fees.**

7 Fees shall be set forth in a schedule adopted by the city council by resolution with any modifications,
8 which will be made from time to time by the city council. Fees shall be based on the time required to
9 review and inspect applications subject to the provisions of this chapter.
10

11
12 **19.10.120 Enforcement.**

13 A. Violation. It is a violation of this chapter for any person to fail to comply with the requirements of this
14 chapter.

15
16 B. Civil Penalty. The penalty for violating this chapter shall be a fine equal to up to three
17 times the value of the damaged or cut tree or removed vegetative cover, plus the cost
18 of reasonable remediation. Trees and other vegetation shall be appraised according to
19 the method specified by the Council of Landscape and Tree Appraisers, most current
20 edition. Reasonable remediation is the cost to develop a plan of remediation and
21 remove the remaining plant parts or debris, the cost to clean up the area, the cost to
22 replant the area, and the cost to administer the remediation process.
23

24
25 **19.10.130 Best pruning practices.**

26 The city arborist shall prepare and distribute educational materials describing the best practices,
27 policies, techniques, methods and procedures for pruning trees.
28

29
30 **19.10.140 Landmark trees.**

31 A. Designation of Landmark Trees and Landmark Groves.

32
33 1. The city shall maintain a register of landmark trees and landmark groves.

34
35 2. A property owner may propose to the city that a tree or grove of trees located on his or her
36 private property be designated as a landmark tree or landmark grove. Any city resident may
37 propose to the city that a tree or grove of trees located on public property be designated as a
38 landmark tree or landmark grove. No tree or grove of trees may be designated without the
39 approval of the property owner(s) on which the tree or grove, or any portion of the tree's
40 branches or canopy, is located. Once such approval is given, however, it may not subsequently
41 be withdrawn by the property owner or by a subsequent property owner.
42

1 ~~3. Upon receipt of a proposed designation and the approval of the property owner, the city~~
2 ~~arborist shall determine whether the tree or grove satisfies the definition of landmark tree or~~
3 ~~landmark grove.~~

4
5 ~~4. If the city arborist approves the proposed designation, it shall be memorialized in a covenant~~
6 ~~signed by the city and the property owner(s) and in form acceptable to the city attorney. The~~
7 ~~covenant shall require that the tree(s) or grove be maintained in a manner that is consistent~~
8 ~~with the provisions of this section. The covenant shall be recorded by the county auditor. The~~
9 ~~city shall pay recording fees. The covenant and designation shall be effective from the date of~~
10 ~~recording until such time as a tree permit has been issued for the cutting of the tree or grove of~~
11 ~~trees.~~

12
13 ~~5. Upon request of a property owner, the city arborist shall provide reasonable advice and~~
14 ~~consultation on maintenance of any landmark tree or landmark grove without charge to the~~
15 ~~property owner.~~

16
17 **B. Tree Permit Requirements.**

18
19 ~~1. A tree permit to cut a landmark tree or a tree that is in a landmark grove as a result of~~
20 ~~construction work will only be granted if the applicant has used reasonable best efforts to~~
21 ~~design and locate the project so as to avoid having to cut the landmark tree or any trees in the~~
22 ~~landmark grove.~~

23
24 ~~2. A tree permit to cut a landmark tree or a tree in a landmark grove other than as a result of~~
25 ~~construction work will only be granted if the applicant demonstrates that the tree removal is~~
26 ~~necessary for safety, removal of hazardous trees, removal of diseased or dead branches or trees,~~
27 ~~or if retention of the tree or grove will have a material, adverse and unavoidable impact on the~~
28 ~~use of the property the use of the property.~~

29

1 Chapter 19.15
2 ADMINISTRATION

3
4
5 **19.15.010 General procedures.**

6
7 ...
8
9 D. Actions. There are four categories of actions or permits that are reviewed under the provisions of the
10 development code.

11
12 1. Ministerial Actions. Ministerial actions are based on clear, objective and nondiscretionary
13 standards or standards that require the application of professional expertise on technical issues.

14
15 2. Administrative Actions. Administrative actions are based on objective and subjective
16 standards that require the exercise of limited discretion about nontechnical issues.

17
18 3. Discretionary Actions. Discretionary actions are based on standards that require substantial
19 discretion and may be actions of broad public interest. Discretionary actions are only taken after
20 an open record hearing.

21
22 4. Legislative Actions. Legislative actions involve the creation, amendment or implementation of
23 policy or law by ordinance. In contrast to the other types of actions, legislative actions apply to
24 large geographic areas and are of interest to many property owners and citizens. Legislative
25 actions are only taken after an open record hearing.

26
27 E. Summary of Actions and Authorities. The following is a nonexclusive list of the actions that the city
28 may take under the development code, the criteria upon which those decisions are to be based, and
29 which boards, commissions, elected officials, or city staff have authority to make the decisions and to
30 hear appeals of those decisions.

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Ministerial Actions			
Tree Removal Permit	Code official	Chapter 19.10 MICC	Hearing examiner
Right-of-Way Permit	City engineer	Chapter 19.09 MICC	Hearing examiner
Home Business Permit	Code official	MICC 19.02.010	Hearing examiner
Special Needs Group Housing Safety Determination	Police chief	MICC 19.06.080(A)	Hearing examiner

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Lot Line Revision	Code official	Chapter 19.08 MICC	Hearing examiner
Design Review – Minor Exterior Modification Outside Town Center	Code official	MICC 19.15.040 , Chapters 19.11 and 19.12 MICC	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) Less Than \$100,000	Code official	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) \$100,000 or Greater	Design commission	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Hearing examiner
Final Short Plat Approval	Code official	Chapter 19.08 MICC	Superior court
Seasonal Development Limitation Waiver	Building official or city arborist	MICC 19.10.030 , 19.07.060 (D)(4)	Hearing examiner
Development Code Interpretations	Code official	MICC 19.15.020 (L)	Hearing Examiner
Shoreline Exemption	Code official	MICC 19.07.110 and 19.15.020 (G)(6)(c)(i)	Hearing examiner ¹
Administrative Actions			
Accessory Dwelling Unit Permit	Code official	MICC 19.02.030	Hearing examiner
Preliminary Short Plat	Code official	Chapter 19.08 MICC	Hearing examiner
Deviation	Code official	MICC 19.15.020 (G); 19.01.070, 19.02.050(F), 19.02.020(C)(4) and (D)(3)	Hearing examiner
Critical Areas Determination	Code official	Chapter 19.07 MICC	Hearing Examiner Planning commission

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Shoreline – Substantial Development Permit	Code official	MICC 19.07.110 and 19.15.020(G)(6)	Shoreline hearings board
SEPA Threshold Determination	Code official	MICC 19.07.120	Hearing Examiner
Short Plat Alteration and Vacations	Code official	MICC 19.08.010(G)	Hearing examiner
Long Plat Alteration and Vacations	City council via hearing examiner	MICC 19.08.010(F)	Superior court
Temporary Encampment	Code official	MICC 19.06.090	Superior court
Wireless Communications Facility	Code official	MICC 19.06.040	Hearing examiner
Wireless Communications Facility Height Variance	Code official	MICC 19.01.070 , 19.06.040(H) and 19.15.020(G)	Hearing examiner
Minimum Parking Requirement Variances for MF, PBZ, C-O, B and P Zones	Code official via design commission and city engineer	MICC 19.01.070 , 19.03.020(B)(4) , 19.04.040(B)(9) , 19.05.020(B)(9) and 19.15.020(G)	Hearing examiner
Discretionary Actions			
Conditional Use Permit	Hearing examiner	MICC 19.11.150(B) , 19.15.020(G)	Superior Court
Reclassification (Rezone)	City council via hearing examiner ²	MICC 19.15.020(G)	Superior court
Formal Design Review – Major New Construction	Design commission	MICC 19.15.040 , Chapters 19.11 and 19.12 MICC	Hearing examiner
Preliminary Long Plat Approval	City council via hearing examiner ²	Chapter 19.08 MICC	Superior court
Final Long Plat Approval	City council via code official	Chapter 19.08 MICC	Superior court
Variance	Hearing examiner	MICC 19.15.020(G) , 19.01.070	Superior court

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Variance from Short Plat Acreage Limitation	Code official	MICC 19.08.020	Hearing examiner
Critical Areas Reasonable Use Exception	Hearing examiner	MICC 19.07.030 (B)	Superior court
Street Vacation	City council via planning commission ²	MICC 19.09.070	Superior court
Shoreline Conditional Use Permit	Code official and Department of Ecology ³	MICC 19.15.020 (G)(6)	State Shorelines Hearings Board
Shoreline Variance	Code official and Department of Ecology ³	MICC 19.15.020 (G)(6)	State Shorelines Hearings Board
Impervious Surface Variance	Hearing examiner	MICC 19.02.0520(D)(4)	Superior court
Legislative Actions			
Code Amendment	City council via planning commission ²	MICC 19.15.020 (G)	Growth management hearings board
Comprehensive Plan Amendment	City council via planning commission ²	MICC 19.15.020 (G)	Growth management hearings board
¹ Final rulings granting or denying an exemption under MICC 19.15.020 (G)(6) are not appealable to the shoreline hearings board (SHB No. 98-60).			
² The original action is by the planning commission which holds a public hearing and makes recommendations to the city council which holds a public meeting and makes the final decision.			
³ Must be approved by the city of Mercer Island prior to review by DOE per WAC 173-27-200 and RCW 90.58.140 (10).			

1
2
3

19.15.020 Permit review procedures.

1 The following are general requirements for processing a permit application under the development
2 code. Additional or alternative requirements may exist for actions under specific code sections (see
3 MICC 19.07.080, 19.07.110, and 19.08.020).

4
5 A. Preapplication. Applicants for development permits are encouraged to participate in informal
6 meetings with city staff and property owners in the neighborhood of the project site. Meetings with the
7 staff provide an opportunity to discuss the proposal in concept terms, identify the applicable city
8 requirements and the project review process. Meetings or correspondence with the neighborhood serve
9 the purpose of informing the neighborhood of the project proposal prior to the formal notice provided
10 by the city.

11
12 B. Application.

13
14 1. All applications for permits or actions by the city shall be submitted on forms provided by the
15 development services group. An application shall contain all information deemed necessary by
16 the code official to determine if the proposed permit or action will comply with the
17 requirements of the applicable development regulations. The applicant for a development
18 proposal shall have the burden of demonstrating that the proposed development complies with
19 the applicable regulations and decision criteria.

20
21 2. All applications for permits or actions by the city shall be accompanied by a filing fee in an
22 amount established by city ordinance.

23
24 C. Determination of Completeness.

25
26 1. The city will not accept an incomplete application. An application is complete only when all
27 information required on the application form and all submittal items required by code have
28 been provided to the satisfaction of the code official.

29
30 2. Within 28 days after receiving a development permit application, the city shall mail or provide
31 in person a written determination to the applicant, stating either that the application is
32 complete or that the application is incomplete and what is necessary to make the application
33 complete. An application shall be deemed complete if the city does not provide a written
34 determination to the applicant stating that the application is incomplete.

35
36 3. Within 14 days after an applicant has submitted all additional information identified as being
37 necessary for a complete application, the city shall notify the applicant whether the application
38 is complete or what additional information is necessary.

39
40 4. If the applicant fails to provide the required information within 90 days of the determination
41 of incompleteness, the application shall lapse. The applicant may request a refund of the
42 application fee minus the city's cost of determining the completeness of the application.

43
44 D. Notice of Application.

1
2 1. Within 14 days of the determination of completeness, the city shall issue a notice of
3 application for all administrative, discretionary, and legislative actions listed in MICC
4 19.15.010(E).
5

6 2. The notice of application shall include the following information:
7

8 a. The dates of the application, the determination of completeness, and the notice of
9 application;
10

11 b. The name of the applicant;
12

13 c. The location and description of the project;
14

15 d. The requested actions and/or required studies;
16

17 e. The date, time, and place of the open record hearing, if one has been scheduled;
18

19 f. Identification of environmental documents, if any;
20

21 g. A statement of the public comment period, which shall be not less than 14 days nor
22 more than 30 days following the date of notice of application; and a statement of the
23 rights of individuals to comment on the application, receive notice and participate in any
24 hearings, request a copy of the decision once made and any appeal rights;
25

26 h. The city staff contact and phone number;
27

28 i. The identification of other permits not included in the application to the extent known
29 by the city;
30

31 j. A description of those development regulations used in determining consistency of
32 the project with the city's comprehensive plan; and
33

34 k. Any other information that the city determines appropriate.
35

36 3. Open Record Hearing. If an open record hearing is required on the permit, the city shall:
37

38 a. Provide the notice of application at least 15 days prior to the hearing; and
39

40 b. Issue any threshold determination required under MICC 19.07.110 at least 15 days
41 prior to the hearing.
42

43 4. Notice shall be provided in the bi-weekly DSG bulletin, posted at City Hall and made available
44 to the general public upon request.

1
2 5. All comments received on the notice of application must be received by the development
3 services group by 5 pm on the last day of the comment period.
4

5 6. Except for a determination of significance, the city shall not issue a threshold determination
6 under MICC 19.07.110 or issue a decision on an application until the expiration of the public
7 comment period on the notice of application.
8

9 7. A notice of application is not required for the following actions; provided, the action is either
10 categorically exempt from SEPA or an environmental review of the action in accordance with
11 SEPA has been completed:
12

13 a. Building permit;

14 b. Lot line revision;

15 c. Right-of-way permit;

16 d. Storm drainage permit;

17 e. Home occupation permit;

18 f. Design review – minor new construction;

19 g. Final plat approval;

20 h. Shoreline exemption permit;

21 i. Critical lands determination; ~~and~~

22 j. Seasonal development limitation waiver; ~~and,~~

23 ~~k. Tree removal permit.~~
24
25
26
27
28
29
30
31
32
33
34

35 E. Public Notice.

36
37 1. In addition to the notice of application, a public notice is required for all administrative,
38 discretionary, and legislative actions listed in MICC 19.15.010(E).
39

40 2. Public notice shall be provided at least 10 days prior to any required open record hearing. If
41 no such hearing is required, public notice shall be provided 10 days prior to the decision on the
42 application.
43

44 3. The public notice shall include the following:

- 1
2 a. A general description of the proposed project and the action to be taken by the city;
3
4 b. A nonlegal description of the property, vicinity map or sketch;
5
6 c. The time, date and location of any required open record hearing;
7
8 d. A contact name and number where additional information may be obtained;
9
10 e. A statement that only those persons who submit written comments or testify at the
11 open record hearing will be parties of record; and only parties of record will receive a
12 notice of the decision and have the right to appeal; and
13
14 f. A description of the deadline for submitting public comments.

15
16 4. Public notice shall be provided in the following manner:

17
18 a. Administrative and Discretionary Actions. Notice shall be mailed to all property
19 owners within 300 feet of the property and posted on the site in a location that is visible
20 to the public right-of-way.

21 i. Long Subdivisions. Additional notice for long subdivisions shall be provided as
22 follows:

23 (A) Public notice shall also be published at least 30 days prior to the
24 open record hearing on the application in a newspaper of general
25 circulation within the city.

26
27 (B) If the owner of a proposed long subdivision owns land contiguous to
28 the proposed long subdivision, that contiguous land shall be treated as
29 part of the long subdivision for notice purposes, and notice of the
30 application shall be given to all owners of lots located within 300 feet of
31 the proposed long subdivision and the applicant's contiguous land.

32
33 (C) The city shall provide written notice to the Department of
34 Transportation of an application for a long subdivision or short
35 subdivision that is located adjacent to the right-of-way of a state
36 highway. The notice shall include a legal description of the long
37 subdivision or short subdivision and a location map.

38
39 b. Legislative Action. Notice shall be published in a newspaper of general circulation
40 within the city.

41
42 F. Open Record Hearing.
43

1 1. Only one open record hearing shall be required prior to action on all discretionary and
2 legislative actions except design review and street vacations.

3
4 2. Open record hearings shall be conducted in accordance with the hearing body's rules of
5 procedures. In conducting an open record hearing, the hearing body's chair shall, in general,
6 observe the following sequence:

7
8 a. Staff presentation, including the submittal of any additional information or
9 correspondence. Members of the hearing body may ask questions of staff.

10
11 b. Applicant and/or applicant representative's presentation. Members of the hearing
12 body may ask questions of the applicant.

13
14 c. Testimony by the public. Questions directed to the staff, the applicant or members of
15 the hearing body shall be posed by the chairperson at his/her discretion.

16
17 d. Rebuttal, response or clarifying statements by the applicant and/or the staff.

18
19 e. The public comment portion of the hearing is closed and the hearing body shall
20 deliberate on the action before it.

21
22 3. Following the hearing procedure described above, the hearing body shall:

23
24 a. Approve;

25
26 b. Conditionally approve;

27
28 c. Continue the hearing; or

29
30 d. Deny the application.

31
32 G. Decision Criteria. Decisions shall be based on the criteria specified in the Mercer Island City Code for
33 the specific action. An applicant for a development proposal shall have the burden of demonstrating
34 that the proposed development complies with the applicable regulations and decision criteria. A
35 reference to the code sections that set out the criteria and standards for decisions appears in MICC
36 19.15.010(E). For those actions that do not otherwise have criteria specified in other sections of the
37 code, the following are the required criteria for decision:

38
39 1. Comprehensive Plan Amendment.

40
41 a. The amendment is consistent with the Growth Management Act, the county-wide
42 planning policies, and the other provisions of the comprehensive plan and city policies;
43 and:
44

1 i. There exists obvious technical error in the information contained in the
2 comprehensive plan; or

3
4 ii. The amendment addresses changing circumstances of the city as a whole.

5
6 b. If the amendment is directed at a specific property, the following additional
7 findings shall be determined:

8
9 i. The amendment is compatible with the adjacent land use and development
10 pattern;

11
12 ii. The property is suitable for development in conformance with the standards
13 under the potential zoning; and

14
15 iii. The amendment will benefit the community as a whole and will not adversely
16 affect community facilities or the public health, safety, and general welfare.

17
18 2. Reclassification of Property (Rezoning).

19
20 a. The proposed reclassification is consistent with the policies and provisions of the
21 Mercer Island comprehensive plan;

22
23 b. The proposed reclassification is consistent with the purpose of the Mercer Island
24 development code as set forth in MICC 19.01.010;

25
26 c. The proposed reclassification is an extension of an existing zone, or a logical transition
27 between zones;

28
29 d. The proposed reclassification does not constitute a "spot" zone;

30
31 e. The proposed reclassification is compatible with surrounding zones and land uses;
32 and

33
34 f. The proposed reclassification does not adversely affect public health, safety and
35 welfare.

36
37 3. Conditional Use Permit.

38
39 a. The permit is consistent with the regulations applicable to the zone in which the lot is
40 located;

41
42 b. The proposed use is determined to be acceptable in terms of size and location of site,
43 nature of the proposed uses, character of surrounding development, traffic capacities of
44 adjacent streets, environmental factors, size of proposed buildings, and density;

1
2 c. The use is consistent with policies and provisions of the comprehensive plan; and

3
4 d. Conditions shall be attached to the permit assuring that the use is compatible with
5 other existing and potential uses within the same general area and that the use shall not
6 constitute a nuisance.
7

8 4. Variances. An applicant or property owner may request a variance from any numeric
9 standard, except for the standards contained within Chapter 19.07 MICC. A variance shall be
10 granted by the city only if the applicant can meet all criteria in "a." through "g.". A variance for
11 increased impervious surface pursuant to subsection "h." shall be granted by the city only if the
12 applicant can meet criteria "a." through "h.":

13
14 a. The strict enforcement of the provisions of Title 19 MICC will create an unnecessary
15 hardship to the property owner;

16
17
18 b. The variance is the minimum necessary to grant relief to the property owner;

19
20 ca. No use variance shall be allowed;

21
22 db. There are special circumstances applicable to the particular lot such as the size,
23 shape, topography, or location of the lot; the trees, groundcover, or other physical
24 conditions of the lot and its surroundings; or factors necessary for the successful
25 installation of a solar energy system such as a particular orientation of a building for the
26 purposes of providing solar access;

27
28 ee. The granting of the variance will not be materially detrimental to the public welfare
29 or injurious to the property or improvements in the vicinity and zone in which the
30 property is situated;

31
32 ef. The granting of the variance will not alter the character of the neighborhood, nor
33 impair the appropriate use or development of adjacent property; and

34
35 eg. The variance is consistent with the policies and provisions of the comprehensive plan
36 and the development code.

37
38 h. The basis for requesting the variance is not the direct result of a past action by the
39 current or prior property owner.

40
41 i. Public and private schools, religious institutions, private clubs and public facilities in
42 single-family zones with slopes of less than 15 percent may request a variance to
43 increase the impervious surface to a maximum 60 percent impervious surface and such

1 variance application will be granted if the hearing examiner determines that the
2 applicant has demonstrated that the following criteria are satisfied:

3
4 i. There will be no net loss of pervious surface from the existing pervious
5 surface. No net loss will be determined by the code official and may be achieved
6 by off-site mitigation and/or by reconstructing existing parking areas to allow
7 stormwater penetration. This replacement will be an exception to subsection
8 (D)(2)(b) of this section prohibiting parking areas from being considered as
9 pervious surfaces;

10
11 ii. All stormwater discharged shall be mitigated consistent with the most recent
12 Washington State Department of Ecology Stormwater Management Manual for
13 Western Washington, including attenuation of flow and duration. Mitigation will
14 be required for any and all new and replaced impervious surfaces. In designing
15 such mitigation, the use of a continuous simulation hydrologic model such as
16 KCRTS or WWHM shall be required; event based models will not be allowed. In
17 addition, mitigation designs shall utilize flow control best management practices
18 (BMPs) and low impact development (LID) techniques to infiltrate, disperse and
19 retain stormwater on site to mitigate the increased volume, flow and pollutant
20 loading to the maximum extent feasible;

21
22 iii. The director must approve a storm drainage report submitted by the
23 applicant and prepared by a licensed civil engineer assuring the city that city
24 infrastructure, in concert with the project design, is adequate to accommodate
25 storm drainage from the project site, or identifying appropriate improvements
26 to public and/or private infrastructure to assure this condition is met, at the
27 applicant's expense; and,

28
29 iv. The variance may not be used with other provisions to exceed this maximum
30 60 percent impervious surface coverage.

31
32
33
34 5. Setback Deviation. A setback deviation shall be granted by the city only if the applicant
35 demonstrates all of the following:

36
37 a. Setback deviation criteria. Setback deviations shall be subject to the following
38 criteria:

39
40 ia. No use deviation shall be allowed;

41
42 bii. The granting of the deviation will not be materially detrimental to the public
43 welfare or injurious to the property or improvements in the vicinity and zone in
44 which the property is situated;

1
2 €iii. The granting of the deviation will not alter the character of the
3 neighborhood, nor impair the appropriate use or development of adjacent
4 property; and

5
6 €iv. The deviation is consistent with the policies and provisions of the
7 comprehensive plan and the development code.

8
9 v. The basis for requesting the deviation is not the direct result of a past action
10 by the current or prior property owner.

11
12 vi. The setback deviation is associated with the approval of development of a
13 single lot or subdivision that is constrained by critical areas or critical area
14 buffers.

15
16 vii. The building pad resulting from the proposed deviation will result in less
17 impact to critical areas or critical areas buffers.

18
19 viii. Yard setbacks shall not be reduced below the following minimums:

20
21 (A) . Front and rear setbacks may not be reduced to less than 10 feet
22 each;

23
24 (B) . Side setbacks may not be reduced to less than five feet.

25
26 ...

27
28 K. Expiration of Approvals.

29 1. General. Except for long and short subdivisions, building permits or ~~unless as~~ otherwise
30 conditioned in the approval process, permits shall expire one year from the date of notice of
31 decision if the activity approved by the permit is not exercised. ~~Responsibility for knowledge of~~
32 ~~the expiration date shall be with the applicant.~~

33 2. Long and short subdivision.

34
35 a. Once the preliminary plat for a long subdivision has been approved by the city, the
36 applicant has five years to submit a final plat meeting all requirements of this chapter to
37 the city council for approval.

38
39 b. Once the preliminary plat for a short subdivision has been approved by the city, the
40 applicant has one year to submit a final plat meeting all requirements of this chapter. A
41 plat that has not been recorded within one year after its preliminary approval shall
42 expire, becoming null and void. The city may grant a single one-year extension, if the
43 applicant submits the request in writing before the expiration of the preliminary
44 approval.

1
2 c. In order to renew an expired preliminary plat, a new application must be submitted.

3
4 3. Responsibility for knowledge of the expiration date shall be with the applicant.

5
6 L. Code Interpretations.

7 1. Upon ~~request~~ formal application or as determined necessary, the code official ~~shall~~ may issue
8 a written interpretation of ~~interpret~~ the meaning or application of provisions of the
9 development code. In issuing the interpretation, the code official shall consider the following:

10 a. The plain language of the code section in question;

11 b. Purpose and intent statement of the chapters in question;

12 c. Legislative intent of the City Council provided with the adoption of the code sections
13 in question;

14 d. Policy direction provided by the Mercer Island Comprehensive Plan;

15 e. Relevant judicial decisions;

16 f. Consistency with other regulatory requirements governing the same or similar
17 situation;

18 g. The expected result or effect of the interpretation; and,

19 h. Previous implementation of the regulatory requirements governing the situation.

20 2. The code official may also bring any issue of interpretation before the planning commission
21 for determination. Anyone in disagreement with an interpretation by the code official may also
22 ~~request a review appeal of~~ the code official's interpretation ~~by to~~ the ~~planning~~
23 ~~commission~~ hearing examiner.

1 Chapter 19.16
2 DEFINITIONS
3

4 Accessory Buildings: A separate building or a portion of the main building, the use of which is related to
5 and supports that of the main building on the same lot.

6 1. Attached Accessory Building: An accessory building that shares a portion of one of its walls
7 with the main building, is separated from the main building by less than five feet, or is attached
8 to the main building by a structure other than a fence.

9 2. Detached Accessory Building: An accessory building that does not share a portion of any of its
10 walls with the main building and is separated from the main building by more than five feet and
11 is not attached to the main building by a structure other than a fence or a pedestrian walkway.

12 For example, detached accessory buildings may include, but are not limited to, garages,
13 cabanas, guest rooms, and other similar buildings.

14 ...

15
16 Accessory Structure: A separate structure that is not an accessory building, but is accessory and
17 subordinate or incidental to the main building on the same lot including, but not limited to, the
18 following: decks, porches, fences, trellises, and similar structures.

19 ...
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21
22 “Applicant” means a property owner or a public agency or private utility or any person or entity
23 designated or named in writing by the property or easement owner to be the applicant, in an
24 application for a development permit, land use application, or other city approval.

25 ...
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27
28 Development proposal: The application for a permit or other approval from the City of Mercer Island
29 relative to the use or development of land.

30 ...
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33 Development proposal site: The boundaries of the lot or lots for which an applicant has or should have
34 applied for approval from the City of Mercer Island to carry out a development proposal.

35 ...
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38 Driveway: The vehicular access on to a lot containing one single family dwelling, or the required
39 vehicular access to, or through, an area designed for parking.

40 ...
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42

1 Feasible ~~(SMP)~~: An action that is required to achieve project approval, such as a design requirement,
2 development project condition, mitigation, or preservation requirement, and that meets all of the
3 following conditions:

- 4 ~~(1)~~ 1. ~~The~~ The action can be accomplished with technologies and methods that have been used in
5 the past in similar circumstances, or studies or tests have demonstrated in similar circumstances
6 that such approaches are currently available and likely to achieve the intended results; ~~(2)~~
7 2. ~~The~~ The action provides a reasonable likelihood of achieving its intended purpose; and
8 3. ~~(3)~~ ~~The~~ The action does not physically preclude achieving the project's primary intended legal
9 use. In cases where these guidelines require certain actions unless they are infeasible, the
10 burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the
11 reviewing agency may weigh the action's relative public costs and public benefits, considered in
12 the short- and long-term time frames.

13 ...
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15 ...
16 Floor: The continuous, supporting surface extending horizontally through a building or structure that
17 serves as the level base of a room upon which a person stands or travels.

18 ...
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20 ...
21 Formal design review: Design review conducted by the Design Commission.

22 ...
23 ...
24 ...
25 Gross Floor Area: The total square footage of floor area bounded by the exterior faces of the building.

26 1. The gross floor area of a single-family dwelling shall include:

- 27 a. The main building, including but not limited to attached accessory buildings.
28 b. All garages and covered parking areas, and detached accessory buildings with a gross
29 floor area over 120 square feet.
30 c. That portion of a basement which projects above existing grade as defined and
31 calculated in Appendix B of this development code.

32 d. Stair cases.

33 e. Decks that are attached to the second or third story of a single family dwelling and
34 are covered by a roof. For the purposes of calculating the gross floor area of covered
35 decks, the entire deck area covered by the roof shall be accounted for as floor area,
36 provided an 18" eave extending beyond the edge of the deck shall not be included in
37 the gross floor area.

38 f. Space under stairways or stairwells that is used, for example, as a closet or storage
39 space if that space meets the definition of "Floor".

40 2. The gross floor area of a single family dwelling does not include:

41 a. Second- or third-story uncovered decks, or uncovered rooftop decks.

42 32. In the Town Center, gross floor area is the area included within the surrounding exterior
43 finish wall surface of a building, excluding courtyards and parking surfaces.

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Tree, Exceptional: 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 Table are considered exceptional trees unless they are also hazardous trees:

Exceptional Tree Table

<u>Species</u>	<u>Threshold Diameter</u>
<u>Native Species</u>	
<u>Oregon ASH – <i>Fraxinus latifolia</i></u>	<u>2 ft</u>
<u>Quaking ASPEN – <i>Populus tremuloides</i></u>	<u>1 ft</u>
<u>Paper BIRCH – <i>Betula papyrifera</i></u>	<u>1 ft 8 in</u>
<u>CASCARA – <i>Rhamnus purshiana</i></u>	<u>8 in</u>
<u>Western Red CEDAR – <i>Thuja plicata</i></u>	<u>2 ft 6 in</u>
<u>Pacific CRABAPPLE – <i>Malus fusca</i></u>	<u>1 ft</u>
<u>Pacific DOGWOOD – <i>Cornus nuttallii</i></u>	<u>6 in</u>
<u>Douglas FIR – <i>Pseudotsuga menziesii</i></u>	<u>2’6 in</u>
<u>Grand FIR – <i>Abies grandis</i></u>	<u>2 ft</u>
<u>Black HAWTHORN – <i>Crataegus douglasii</i></u>	<u>6 in</u>
<u>Western HEMLOCK – <i>Tsuga heterophylla</i></u>	<u>2 ft</u>
<u>MADRONA – <i>Arbutus menziesii</i></u>	<u>6 in</u>
<u>Bigleaf MAPLE – <i>Acer macrophyllum</i></u>	<u>2 ft 6 in</u>
<u>Dwarf or Rocky Mountain MAPLE – <i>Acer glabrum</i> var. <i>Douglasii</i></u>	<u>6 in</u>
<u>Vine MAPLE – <i>Acer circinatum</i></u>	<u>8 in</u>
<u>Oregon White or Garry OAK – <i>Quercus garryana</i></u>	<u>6 in</u>
<u>Lodgepole PINE – <i>Pinus contorta</i></u>	<u>6 in</u>
<u>Shore PINE – <i>Pinus contorta</i> ‘contorta’</u>	<u>1 ft</u>
<u>Western White PINE – <i>Pinus monticola</i></u>	<u>2 ft</u>
<u>Western SERVICEBERRY – <i>Amelanchier alnifolia</i></u>	<u>6 in</u>
<u>Sitka SPRUCE – <i>Picea sitchensis</i></u>	<u>6 in</u>
<u>WILLOW (All native species) – <i>Salix</i> sp. (<i>Geyeriana</i> ver <i>meleina</i>, <i>eriocephala</i> ssp. <i>mackenzieana</i>, <i>Hookeriana</i>, <i>Piperi</i>, <i>Scouleriana</i>, <i>sitchensis</i>)</u>	<u>8 in</u>
<u>Pacific YEW – <i>Taxus brevifolia</i></u>	<u>6 in</u>
<u>Non-native Species</u>	
<u>Orchard (Common) APPLE – <i>Malus</i> sp.</u>	<u>1 ft 8 in</u>
<u>European ASH – <i>Fraxinus excelsior</i></u>	<u>1 ft 10 in</u>
<u>Green ASH – <i>Fraxinus pennsylvanica</i></u>	<u>2 ft 6 in</u>
<u>Raywood ASH – <i>Fraxinus oxycarpa</i></u>	<u>2 ft</u>
<u>European BEECH – <i>Fagus sylvatica</i></u>	<u>2 ft 6 in</u>
<u>European White BIRCH – <i>Betula pendula</i></u>	<u>2 ft</u>

<u>Atlas CEDAR – <i>Cedrus atlantica</i></u>	<u>2 ft 6 in</u>
<u>Deodor CEDAR – <i>Cedrus deodara</i></u>	<u>2 ft 6 in</u>
<u>Incense CEDAR – <i>Calocedrus decurrens</i></u>	<u>2 ft 6 in</u>
<u>Flowering CHERRY – <i>Prunus</i> sp. (<i>serrula</i>, <i>serrulata</i>, <i>sargentii</i>, <i>subhirtella</i>, <i>yedoensis</i>)</u>	<u>1 ft 11 in</u>
<u>Lawson CYPRESS – <i>Chamaecyparis lawsoniana</i></u>	<u>2 ft 6 in</u>
<u>Kousa DOGWOOD – <i>Cornus kousa</i></u>	<u>1 ft</u>
<u>Eastern DOGWOOD – <i>Cornus florida</i></u>	<u>1 ft</u>
<u>American ELM – <i>Ulmus americana</i></u>	<u>2 ft 6 in</u>
<u>English ELM – <i>Ulmus procera</i></u>	<u>2 ft 6 in</u>
<u>GINGKO – <i>Ginkgo biloba</i></u>	<u>2 ft</u>
<u>Common HAWTHORN <i>Crataegus laevigata</i></u>	<u>1 ft 4 in</u>
<u>Washington HAWTHORN – <i>Crataegus phaenopyrum</i></u>	<u>9 in</u>
<u>European HORNBEAM – <i>Carpinus betulus</i></u>	<u>1 ft 4 in</u>
<u>KATSURA – <i>Cercidiphyllum japonicum</i></u>	<u>2 ft 6 in</u>
<u>Littleleaf LINDEN – <i>Tilia cordata</i></u>	<u>2 ft 6 in</u>
<u>Honey LOCUST – <i>Gleditsia triacanthos</i></u>	<u>1 ft 8 in</u>
<u>Southern MAGNOLIA – <i>Magnolia grandiflora</i></u>	<u>1 ft 4 in</u>
<u>Paperbark MAPLE – <i>Acer griseum</i></u>	<u>1 ft</u>
<u>Japanese MAPLE – <i>Acer palmatum</i></u>	<u>1 ft</u>
<u>Red MAPLE – <i>Acer rubrum</i></u>	<u>2 ft 1 in</u>
<u>Sugar MAPLE – <i>Acer saccharum</i></u>	<u>2 ft 6 in</u>
<u>Sycamore MAPLE – <i>Acer pseudoplatanus</i></u>	<u>2 ft</u>
<u>MONKEY PUZZLE TREE – <i>Araucaria araucana</i></u>	<u>1 ft 10 in</u>
<u>MOUNTAIN-ASH – <i>Sorbus aucuparia</i></u>	<u>2 ft 5 in</u>
<u>Pin OAK – <i>Quercus palustris</i></u>	<u>2 ft 6 in</u>
<u>Red OAK – <i>Quercus rubra</i></u>	<u>2 ft 6 in</u>
<u>Callery PEAR – <i>Pyrus calleryana</i></u>	<u>1 ft 1 in</u>
<u>Austrian Black PINE – <i>Pinus nigra</i></u>	<u>2 ft</u>
<u>Ponderosa PINE – <i>Pinus ponderosa</i></u>	<u>2 ft 6 in</u>
<u>Scot's PINE – <i>Pinus sylvestris</i></u>	<u>2 ft</u>
<u>London PLANE – <i>Platanus acerifolia</i></u>	<u>2 ft 6 in</u>
<u>Flowering PLUM – <i>Prunus cerasifera</i></u>	<u>1 ft 9 in</u>
<u>Coastal REDWOOD – <i>Sequoia sempervirens</i></u>	<u>2 ft 6 in</u>
<u>Giant SEQUOIA – <i>Sequoiadendron giganteum</i></u>	<u>2 ft 6 in</u>
<u>Japanese SNOWBELL – <i>Styrax japonica</i></u>	<u>1 ft</u>
<u>American SWEETGUM – <i>Liquidambar styraciflua</i></u>	<u>2 ft 3 in</u>
<u>TULIP TREE – <i>Liriodendron tulipifera</i></u>	<u>2 ft 6 in</u>
<u>WILLOW (All non-native species)</u>	<u>2 ft</u>

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Tree, Grove: A grove means a group of 8 or more trees each 10 inches 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.

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4 Large (Regulated) Tree, Large (Regulated): Any conifer tree that is six feet tall with a diameter of 24 inches or more or any deciduous tree with a diameter of more than six inches.

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9 Small Tree, Small: Any conifer tree that is less than six feet tall with a diameter of less than 24 inches or any deciduous tree with a diameter of six inches or less.

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14 Hazardous Tree, Hazardous: Any tree that receives an 11 or 12 rating under the International Society of Arboricultural rating method set forth in Hazard Tree Analysis for Urban Areas (copies of this manual are available from the city arborist) and may also mean any tree that receives a 9 or 10 rating, at the discretion of the city arborist.

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21 Hardscape: The solid, hard, elements or structures that are incorporated into landscaping. The hardscape includes, but is not limited to, structures, buildings, paved areas, stairs, walkways, decks, pergolas, patios, and similar constructed elements. The hardscape within landscaping is usually made up of materials that include, but are not limited to wood, stone, concrete, gravel, and pervious pavements or pavers, and similar materials. Hardscape does not include solid, hard elements or structures that are covered by a minimum of two feet of soil intended for softscape (for example, a septic tank covered with at least two feet of soil and planted shrubs is not hardscape). Hardscape areas do not include driveways.

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27 Landscaping: The arrangement and planting of softscape elements (e.g. trees, grass, shrubs and flowers), and the installation of hardscape elements (e.g. placement of fountains, patios, street furniture and ornamental concrete or stonework).

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29 ...

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31
32 Lot, Large: A lot that contains sufficient area, and is of sufficient dimension, to be subdivided. Large lots shall contain a minimum area as follows:

- 33
34
35
36
37
38
39 1. R-8.4: 16,800 square feet.
40 2. R-9.6: 19,200 square feet.
41 3. R-12: 24,000 square feet.
42 4. R-15: 30,000 square feet.

43 ...

1 Lot area: The area contained within the established boundaries of a lot. The lot area includes, but is not
2 limited to, areas encumbered by critical areas, shorelines, and public or private easements.

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4 ...

5 Lot area, net: The area contained within the established boundaries of a lot, less any area used for public
6 or private easements.

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8 ...

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10 Lot coverage, maximum: The maximum area of a residentially zoned lot that may be covered by a
11 combination of buildings and vehicular driving surfaces.

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13 ...

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15 Reasonable Best Efforts: An applicant has used reasonable best efforts to perform an action when an
16 applicant demonstrates that one of the following prevents compliance with the applicable standard:

- 17 1. The action cannot be accomplished with technologies and methods that have been used in
18 the past in similar circumstances, or studies or tests have demonstrated in similar
19 circumstances that such approaches unlikely to achieve the intended results;
- 20 2. The action does not provide a reasonable likelihood of achieving its intended purpose; or
- 21 3. The action physically precludes achieving the project's primary intended legal use.

22 In cases where the code requires "reasonable best efforts" to comply with standards, the burden of
23 proving that reasonable best efforts have been taken, and compliance is infeasible, is on the applicant.

24 In determining whether reasonable best efforts have been taken the reviewing agency may weigh the
25 applicant's actions to comply with the applicable standard and the action's relative public costs and
26 public benefits, considered in the short- and long-term time frames. The reviewing agency may also
27 evaluate whether an applicant's prior actions have contributed to the applicant's inability to comply
28 with the applicable standard.

29 ...

30
31 Qualified Arborist: means an individual with relevant education and training in arboriculture or urban
32 forestry, having two (2) or more of the following credentials:

- 33
- 34 1. International Society of Arboriculture (ISA) Certified Arborist;
- 35 2. Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of
36 ISA (or equivalent);
- 37 3. American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- 38 4. Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

39
40 For tree retention reviews associated with a development proposal, a qualified arborist must have, in
41 addition to the above credentials, a minimum of three (3) years' experience working directly with the
42 protection of trees during construction and have experience with the likelihood of tree survival after
43 construction. A qualified arborist must also be able to prescribe appropriate measures for the
44 preservation of trees during land development.

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Softscape: The living or unhardened elements that are incorporated into landscaping. The softscape generally includes plants, flower beds, tree retention areas, uncovered dirt, compost or mulched areas, wetlands, and wetland or watercourse buffers.

...

Street: An improved or unimproved public or private right-of-way or easement which affords or could be capable of affording vehicular access to property.

1. Collector Arterial: A street designed to collect and distribute traffic from major arterials to the local access streets. The collector arterial is similar to a local access street except for stop and yield privileges over a local access street and restrictions for on street parking.
2. Local Access Street: A street designated for direct access to properties, and which is tributary to the arterial system.
3. Major Arterial Street: A street designed to collect and distribute large volumes of traffic from the freeway, Town Center and less important arterial streets. This type of arterial normally is designed to expedite through traffic.
4. Second Arterial Street: A street designed to collect and distribute traffic from the freeway or major arterials and less important streets.
5. Driveways are not streets.

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APPENDIX B BASEMENT FLOOR AREA CALCULATION

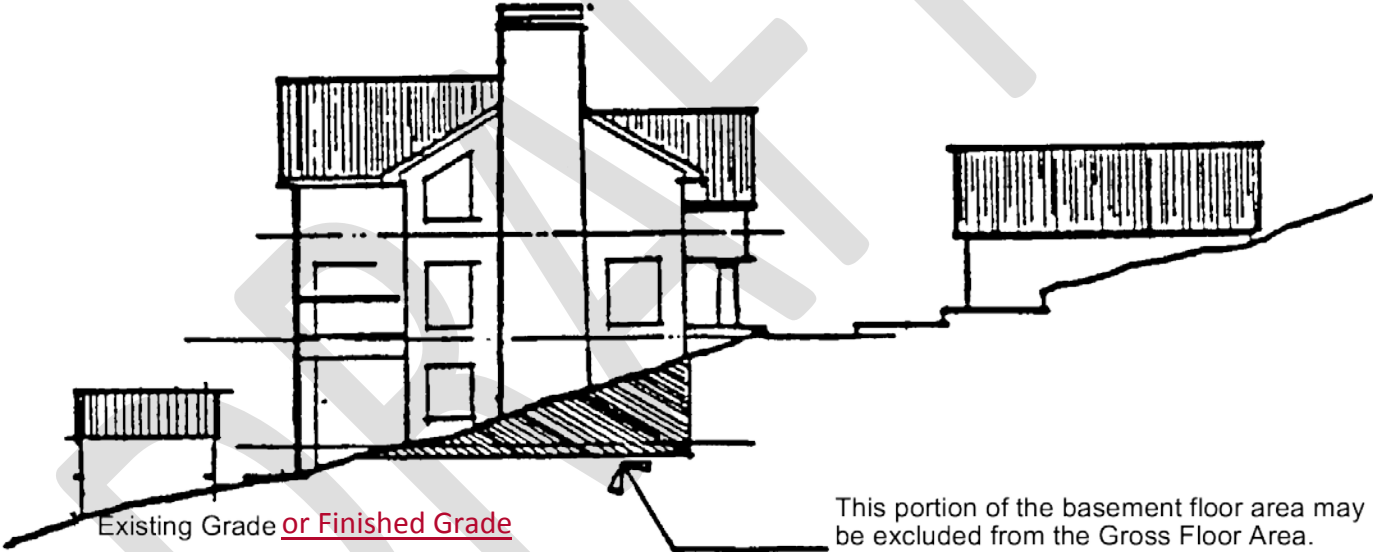
The Mercer Island Development Code excludes that portion of the basement floor area from the Gross Floor Area which is below grade. That portion of the basement which will be excluded is calculated as shown.

Portion of Excluded Basement Floor Area =

$$\frac{\text{Total Basement Area} \times \sum(\text{Wall Segment Coverage} \times \text{Wall Segment Length})}{\text{Total of all Wall Segment lengths}}$$

Where the terms are defined as follows:

- TOTAL BASEMENT AREA is the total amount of all basement floor area.
- WALL SEGMENT COVERAGE is the portion of an exterior wall below existing or finished grade, whichever is lower. It is expressed as a percentage. (Refer to example.)
- WALL SEGMENT LENGTH is the horizontal length of each exterior wall in feet.



EXAMPLE OF BASEMENT FLOOR AREA CALCULATION

This example illustrates how a portion of the basement floor area may be excluded from the Gross Floor Area. In order to complete this example, the following information is needed.

- A. A topographic map of the existing grades and the proposed finished grades.
- B. Building plans showing dimensions of all exterior wall segments and floor areas.
- C. Building elevations showing the location of existing grades and proposed finished in relation to basement level.

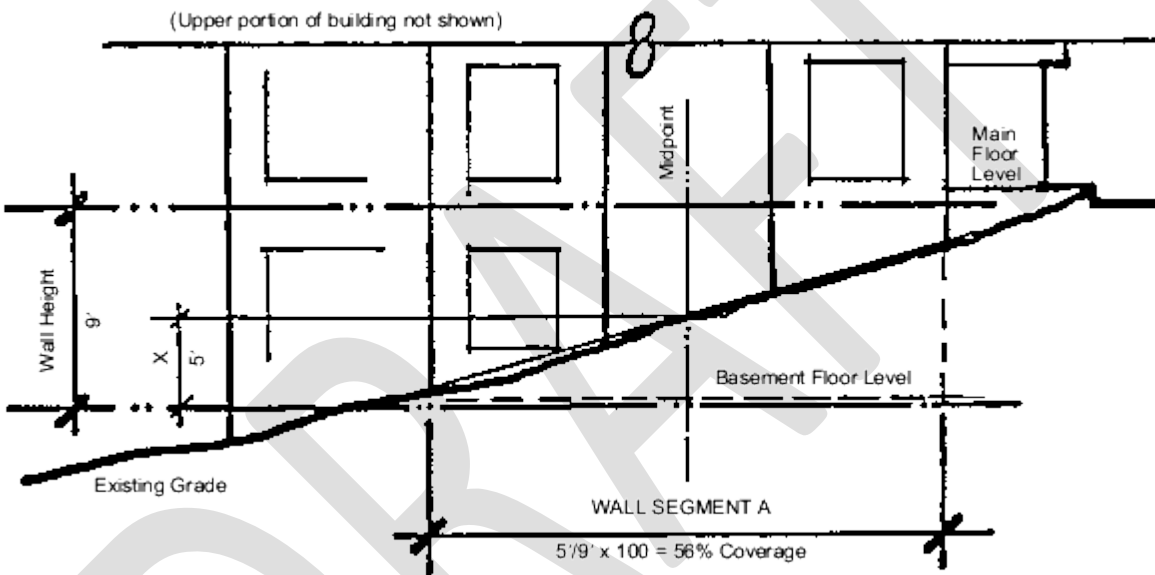
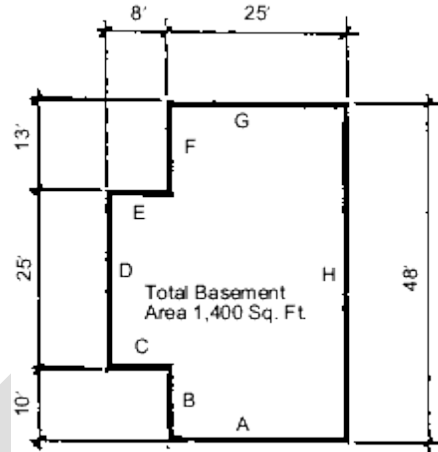
Step One

1 Determine the number and lengths of the Wall Segments.

2 Step Two

3 Determine the Wall Segment Coverage (in %) for each Wall Segment.

4 In most cases this will be readily apparent, for example a downhill
 5 elevation which is entirely above existing grade or will be entirely
 6 above finished grade. In other cases where the existing or finished
 7 grade contours are complex, an averaging system shall be used.
 8 (Refer to illustration.)



9

10 Step Three

11 Multiply each Wall Segment Length by the percentage of each Wall Segment Coverage and add these results
 12 together. Divide that number by the sum of all Wall Segment Lengths. This calculation will result in a
 13 percentage of basement wall which is below grade. (This calculation is most easily completed by compiling a
 14 table of the information as illustrated below.)

15 Table of Wall Lengths and Coverage

Wall Segment	Length	Coverage	Result
A	25x	56%	14x%
B	10x	0%	0x%
C	8x	0%	0x%
D	25x	0%	0x%

E	8x	0%	0x%
F	13x	0%	0x%
G	25x	60%	15x%
H	48x	100%	48x%
Totals	162x	NA	77x%

1 Step Four

2 Multiply the Total Basement Floor Area by the above percentage to determine the Excluded Basement Floor
3 Area.

Portion of Excluded Basement Floor Area =

=1,400 Sq. Ft. x

(25x x 56% + 10x x 0% . . . 25x x 60% + 48x x 100%)

162x

=1,400 Sq. Ft. x 47.53%

=665.42 Sq. Ft. Excluded from the Gross Floor Area

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DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605



TO: City Council

FROM: Planning Commission

DATE: June 5, 2017

RE: ZTR16-004 - Residential Development Standards – Accompanying Recommendations

Summary

This memo is intended to summarize the Planning Commission's accompanying recommendation to the City Council. The Planning Commission identified a number of items during the review of the Residential Development Standards that appear to require additional Council review and action.

The Planning Commission recommends that the City Council direct the Planning Commission to:

1. Consider legislation related to providing increased opportunities for duplexes, townhomes, and / or cottage housing in single-family zones
2. Evaluate the zoning designations established within the City for consistency with on-the-ground conditions and the Comprehensive Plan to: A) determine if the transition between zoning designations is appropriate; and B) determine if current zoning designations adequately match on-the-ground development patterns.
3. Consider creating a "site plan" or "land use" review process for all residential projects in Chapter 19.15 MICC and to require pre-application review for complex projects.
4. Evaluate the Residential Development Standards code amendment in 3 to 5 years to determine its effectiveness.
5. Evaluate the provisions related to non-conforming structures, sites, lots and uses to determine if further amendments are necessary following the adoption of the proposed residential development standards.
6. Evaluate the subdivision design standards to determine if the required infrastructure design (e.g. water, sewer, street and vehicle access, and storm water) requirements are consistent with the Comprehensive Plan.
7. Evaluate the provisions that require a long plat to divide property that has an area of more than 4 acres in area.

8. Re-evaluate the effect of the proposed amendments to the residential development standards after a specified period of time (3 to 5 years following adoption) and report back to the City Council.

Other recommendations:

9. Request the City Council to fund a full time city arborist for plan review in the Development Services Group.
10. Request staff to create comprehensive "Client Assistance" memorandums to clarify permitting processes
11. Designate the former Boys and Girls club property for landmark protection before it is developed.
12. Create a mechanism for easy cross-references within the Mercer Island City Code.



**CITY OF MERCER ISLAND
PLANNING COMMISSION
STAFF REPORT**

**Agenda Item: 2
May 17, 2017**

File Numbers: ZTR16-004

Description: The City of Mercer Island is reviewing zoning code amendments that are intended to address the rapidly changing character of Mercer Island's single-family neighborhoods. The proposed amendments will result in changes to the regulations governing building height, daylight plane, gross floor area, setbacks, tree retention, landscaping, and other related amendments intended to minimize the impact of new development on existing neighborhoods. Procedural changes to land division and deviations are also proposed.

Applicant: City of Mercer Island

Location: Applies to all land within the City of Mercer Island

Exhibits:

1. Draft Ordinance Amending MICC Titles 8, 17 and 19
2. Draft Zoning Text Amendments (Attachment "A" to the Ordinance)
3. Public Notice of Application and Notice of Public Meeting Issued on by the City of Mercer Island on March 20, 2017
4. Memorandum of accompanying Planning Commission Recommendation
5. Public Comments summary table
6. SEPA Determination of Non Significance, dated March 20, 2017
7. Scope of Work memorandum, dated October 19, 2016

I. SUMMARY

The City of Mercer Island is proposing amendments to Mercer Island City Code (MICC) Titles 8, 17 and 19. The proposed amendments would result in changes to the regulations governing noise, building height, gross floor area, lot coverage, setbacks, tree retention, landscaping, and other related amendments intended to minimize the impact of new development on existing neighborhoods. Procedural changes to land division, variances, director's interpretations, and deviations are also proposed.

A code amendment is designated as a legislative action, as set forth in MICC 19.15.010(E). Applicable procedural requirements for a legislative action are contained within MICC 19.15.020, including the provision that the Planning Commission conduct an open record public hearing for all legislative actions. On April 5, 2017, the Planning Commission held an open record public hearing on this matter to obtain comments from the public, deliberate on the proposed amendment and forward a recommendation to the City Council for consideration and action. As the final decision making authority

for legislative actions, the City Council will consider the matter in a public meeting prior to taking final action.

The City issued a Public Notice of Application and Open Record Hearing (Exhibit 3), which was published in the City’s weekly permit bulletin on March 20, 2017 and in the Mercer Island Reporter on March 22, 2017. The public comment period ran from March 20, 2017 through April 5, 2017. Public comment has been accepted throughout the review of the proposed amendments. A summary of public comments is contained in Exhibit 5.

The City issued a SEPA Determination of Non Significance (DNS) on March 20, 2017; a copy of the SEPA Determination is attached as Exhibit 6.

II. STAFF FINDINGS, ANALYSIS AND CRITERIA FOR REVIEW

The proposed amendments to MICC Titles 8, 17, and 19 are shown in Exhibit 2.

Background: In August of 2016, the City Council provided a scope of work for review of amendments to the Mercer Island City Code, which were captured in a memo to the Planning Commission on October 19, 2016 (Exhibit 7).

The Planning Commission use a policy based review approach to define issues and determine the most effective course of action when evaluating specific amendments to the development regulations. The Planning Commission first evaluated the purpose of the various regulations under review and reached a preliminary conclusion as to whether the regulation was achieving the desired policy outcome. The Planning Commission then evaluated possible alternative regulatory tools to determine if an alternative approach to the regulations would more effectively regulate development to result in the desired policy outcome. Finally, the Planning Commission reviewed draft regulations that incorporated their policy direction and refined the regulations as needed prior to implementation.

Throughout the Planning Commission’s review, the Commission has been informed by several community meetings, numerous written public comments, public testimony at almost every Planning Commission meeting, and the Mercer Island Comprehensive Plan.

Proposed Amendments: The following chart summarizes the proposed changes, which are fully contained within Exhibit 2

Regulation	Amendments
1. Gross floor area	a. Reduce the allowed gross floor area from 45% to 40%. b. Allow for an additional 5% of gross floor area for accessory dwelling units and accessible single family dwellings on the first floor. c. Limit (“cap”) the maximum gross floor area based upon the zoning designation. d. Regulate covered decks (not uncovered decks). e. Regulate rooms with high ceiling as 150% or 200% of the rooms’ gross floor area. f. Modify the basement exclusion to exclude GFA below the existing or finished grade, whichever is less.
2. Lot coverage	a. Replace the current lot coverage / impervious surface limits with a standard that requires 60% of the net lot area to be landscaped.

	<ul style="list-style-type: none"> b. A minimum of 80% of the landscaped area should be improved with “softscape” such as plants, trees, garden areas, etc. The remaining area may be used for “hardscape” such as driveway, walkways, etc. The required landscaping area may be reduced to 50% of the net lot area for single story single family dwelling units.
3. Building Height	<ul style="list-style-type: none"> a. Limit the maximum façade height on the downhill side to 30 feet (reduced from 35 feet). b. Measure the downhill façade height from finished or existing grade, whichever is lower.
4. Parking for small lots	<ul style="list-style-type: none"> a. Reduce the number of required parking stalls for new homes on lots with a net area of less than 6,000 square feet from 3 to 2 parking stalls. Only one of the parking stalls would need to be in a garage.
5. Variable side yard setbacks	<ul style="list-style-type: none"> a. Lots with a width of greater than 90 feet require a cumulative side yard depth of 17% of the lot width. Lots with a width of 90 feet or less require a cumulative side yard depth of 15 feet. b. For lots with an area of more than 6,000 square feet, minimum side yard depths should be increased by 150% (an increase from 5 feet to 7.5 feet) where they adjoin single family dwellings with a height of 15 feet. c. For lots with an area of more than 6,000 square feet, side yard depths should be increased by 200% (an increase from 5 feet to 10 feet) where they adjoin single family dwellings with a height of 25 feet.
6. Tree retention	<ul style="list-style-type: none"> a. Exempt hazardous and undesirable trees from tree permitting and retention requirements. b. Require a tree permit for removal of trees greater than 24” in diameter. c. Require tree retention for new single family dwelling construction, additions of more than 500 sqft, and short and long subdivisions. d. Provide an exemption from tree retention for single family construction or additions on very small lots. e. Tree retention is 30% of the trees on the site with a diameter greater than 10”, and reasonable best efforts to retain trees outside the clearing limits of new construction. f. Create an incentive to retain priority trees, g. Create an option to require retention of exceptional trees h. Tree replacement is required for trees removed associated with new construction, additions, and short and long subdivisions. No tree replacement is required otherwise. i. Allow for a fee-in-lieu of tree replacement in some circumstances. j. Establish minimum tree protection standards.
7. Large lot projects	<ul style="list-style-type: none"> a. Require new single family homes on lots that are large enough to subdivide to either: 1) subdivide, 2) design the layout to comply with short subdivision requirements, or 3) record a covenant preventing additional subdivision for some 5 years.
8. Construction permits	<ul style="list-style-type: none"> a. Limit construction hours to M-F: 7AM to 7PM; Sat: 9AM to 6PM; Sundays and Holidays – No Construction b. Limit construction permit renewals to 1 year following a single 30-

	<p>day extension. Building permits would be “valid” for a maximum of 3 years.</p> <p>c. Require construction management plans and schedules for large projects and all permit renewals.</p>
9. Deviations and variances	<p>a. Eliminate impervious deviations.</p> <p>b. Eliminate fence height deviations.</p> <p>c. Create an allowance for increased height based upon criteria.</p> <p>d. Clarify variance criteria and make variance criteria more restrictive (i.e. make it harder to get a variance).</p>
10. Accessory buildings and structures	<p>a. Limit the gross floor area of accessory buildings to 25% of the allowed gross floor area on the site.</p> <p>b. Limit the height of accessory buildings and structures to 17 feet.</p>
11. Miscellaneous amendments	<p>Chapter 19.01 MICC:</p> <p>a. Update the provisions related to legally established non-conformances (e.g. “grandfathered” uses or improvements) for consistency with proposed amendments.</p> <p>b. Broadening provisions related to non-conforming decks to apply to all zoning designations (instead of limiting it to the R-8.4 zoning designation).</p> <p>c. Re-locating variance and deviation procedures to Chapter 19.15 MICC.</p> <p>Chapter 19.02 MICC:</p> <p>d. Adding purpose and applicability sections to this chapter for clarification and to assist in applying the chapter to development review.</p> <p>e. Amendments to improve readability and clarity of existing standards.</p> <p>f. Re-locating variance and deviation criteria and procedures to Chapter 19.15 MICC.</p> <p>g. Clarifying that new buildings shall be located within a designated building pad.</p> <p>h. Amending and clarifying the rock and retaining wall regulations to limit re-grading of cut and fill slopes.</p> <p>Chapter 19.07 MICC:</p> <p>i. Updating references to variance and deviation criteria and procedures, to refer to Chapter 19.15 MICC.</p> <p>j. Chapter 19.08 MICC:</p> <p>k. Clarify requirements on preliminary subdivisions to identify the proposed building pad location.</p> <p>l. Re-locating procedural requirements for short subdivisions and lot line revisions to Chapter 19.15 MICC</p> <p>m. Revising requirements for lot line revisions to comply with RCW 58.17.</p> <p>n. Require subdivisions to comply with preferred development practices where feasible.</p> <p>Chapter 19.09 MICC:</p>

	<ul style="list-style-type: none"> o. Require new development proposals (e.g. subdivisions, building permit applications, other applications) to designate a building pad. p. Clarify the building pad design requirements. q. Clarifying the language related to preferred development practices. <p>Chapter 19.15 MICC:</p> <ul style="list-style-type: none"> r. Clarifying that the applicant for a development proposal has the burden of demonstrating that the proposal complies with all applicable regulations and decision criteria. s. Consolidating procedural and approval criteria into Chapter 19.15, related to deviations, variances, and subdivisions from other chapters. t. Clarifying language related to the expiration of land use approvals. u. Clarifying the code interpretation process and providing criteria for consideration by the code official in issuing a code interpretation.
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Criteria For Review

There are no specific criteria listed in the Mercer Island City Code for a code amendment. However, in accordance with RCW 36.70A.040, the proposed amendments shall be consistent with and implement the City’s Comprehensive Plan. The following Comprehensive Plan goals and policies were considered by the Planning Commission in their review of the proposed amendments:

Land Use Element

GOAL 15 Mercer Island should remain principally a low density, single family residential community.

15.2 Residential densities in single family areas will generally continue to occur at 3 to 5 units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.

GOAL 16 Achieve additional residential capacity in single family zones through flexible land use techniques.

16.1 Use existing housing stock to address changing population needs. Accessory housing units and shared housing opportunities should be considered in order to provide affordable housing, relieve tax burdens, and maintain existing, stable neighborhoods.

16.4 Promote accessory dwelling units in single-family districts subject to specific development and owner occupancy standards.

16.5 Infill development on vacant or under-utilized sites should occur outside of critical areas and ensure that the infill is compatible with the surrounding neighborhoods.

GOAL 18 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.

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

18.6 Encourage low impact development approaches for managing stormwater and protecting water quality and habitat.

18.8 The City's development regulations should encourage long term sustainable stewardship of the natural environment. Examples include preservation and enhancement of native vegetation, tree retention, and rain gardens.

Housing Element

GOAL 1: Ensure that single family and multi-family neighborhoods provide safe and attractive living environments, and are compatible in quality, design and intensity with surrounding land uses, traffic patterns, public facilities and sensitive environmental features.

1.1 Ensure that zoning and City code provisions protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character.

1.2 Promote single family residential development that is sensitive to the quality, design, scale and character of existing neighborhoods.

1.4 Preserve the quality of existing residential areas by encouraging maintenance and revitalization of existing housing stock.

1.5 Foster public notification and participation in decisions affecting neighborhoods.

GOAL 2: Provide a variety of housing types and densities to address the current and future needs of all Mercer Island residents.

2.6 Promote accessory dwelling units in single-family zones subject to specific development and owner occupancy standards.

2.7 Encourage infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the scale and character of the surrounding neighborhoods.

Staff findings:

The proposed zoning code text amendments are not consistent with the Comprehensive Plan since the Comprehensive Plan is silent on the processing and decision-making on permits and appeal.

I. STAFF RECOMMENDATION

Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

Recommended Motion: Move to recommend that the City Council approve the proposed amendments to Mercer Island City Code (MICC) Title 8, 17, and 19, as detailed in Exhibits 1 and 2.

First Alternative Motion: Move to recommend that the City Council approve the proposed amendments to Mercer Island City Code (MICC) Title 8, 17, and 19, as detailed in Exhibits 1 and 2, provided that the proposal shall be modified as follows: *[describe modifications]*.

Second Alternative Motion: Move to recommend that the City Council deny the proposed amendments to Mercer Island City Code (MICC) Title 8, 17, and 19, as detailed in Exhibit 1 and 2.

Staff Contact: Evan Maxim, Development Services Director



DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
 (206) 275-7605

1.	Date	Name	Comment
1.	8/29/2016	Jim Stanton	<p>The current code should be altered to provide for mutli-generational families to live on Mercer island by encouraging smaller bungalows with shared communal spaces. Particularly on the north end.</p> <p>If the current trend continues the mix of housing on the Island will consist solely of McMansions and traffic will continue to get worse.</p> <p>The current code operates against the interests of both 1) north end families with school age children and 2) south end empty nesters seeking to downsize to the north end of the Island. The code should be changed to discourage buying smaller bungalows on the north end to convert into McMansions. Instead the code should encourage building smaller houses on the north end.</p> <p>On the south end of the Island there a numerous empty nesters living in larger houses on larger lots with close proximity to schools, parks, play fields, and south end amenities. Many of them are actively looking for smaller homes on the north end.</p> <p>On the north end smaller houses are being purchased by developers such as JayMarc to tear down to build McMansions which are then purchased by families with school age children. Traffic on north end residential streets can be intense and increasing the number of large houses on the north end adds to automobile traffic around our schools, particularly on ICW.</p> <p>This situation either keeps empty nesters in south end houses too large for their needs or moves long term residents off the Island.</p> <p>The decision to restrict the number of houses on the Coval site is an example of the city's encouraging fewer, larger houses on the north end rather encouraging smaller homes more attractive to empty nesters. This may serve the interests of developers, but not long time Island residents.</p>
2.	8/30/2016	Kristin Hart	<p>While I understand the desire to update the codes to keep tacky monstrous houses out of Mercer Island, I worry that you are going to create more codes and harsher rules. Harsher rules punishes remodels even further. I don't think people are mad at remodels. I think they are mad at the tear downs.</p> <p>We have been shopping for a waterfront house for 3 years. I have been into the city several times to understand the rules of remodeling on various lots. My general rule is 1) you have to take the house as it is or 2) knock it down and start fresh. It seems that the city has a bias for new houses is against remodels. You have created a system for contractors. The average joe who wants to add something to the house (enclose a car port, enclose a covered impervious area, add a story to an existing house that is still in compliance) encounters an INSANE amount of rules. The result is that you encourage contractors to tear things down (and normal people too!) and start fresh. These fresh starts open the flood gates to changing the character of the neighborhood. Why do you make remodeling so difficult for the normal person? I feel the city has created the environment for tear downs. I feel you have allowed JayMarc etc. to bend the rules and exploit loopholes while the normal people who just want subtle remodels are left frustrated with no options.</p> <p>I look at the list below and I see you again making my desire to buy and remodel difficult/impossible. But we are not the enemy, are we? Do you want to discourage remodels as well? If you are discouraging remodels that is a shame in my opinion. There are a lot of houses that weren't built well (thin windows, bizarre covered areas, and strange layouts). If you aren't discouraging remodels, maybe you could make some rules more lax somehow. Make sure you are addressing the problem which seems to be the tear downs. You already have too many rules in my opinion.</p>
3.	9/7/2016	Terry & Morrene Jacobson	<p>Building height - 2 stories maximum above ground. Height should fit in with rest of neighborhood. Impervious surface should not exceed percentage currently allowed, and variances should be granted rarely if at all, not routinely as now seems to happen. Tree retention is essential both aesthetically and environmentally. And the city needs to enforce requirements for protecting trees during construction, preventing builders who move protective fencing to allow machinery to run over roots, then replace fencing to preserve the appearance of compliance. Size of lots should be comparable to others on the street - severely restrict short platting and sub-dividing. Ensure adequate open space on both sides and in front of the structure - no zero lot lines. In general, do not permit deviations. Decide on good rules and let people stick to them. When someone applies for a permit to tear down or enlarge an existing house, neighboring homeowners should be notified by individual letters, not just a sign on the affected</p>

	Date	Name	Comment
			property. And those signs must be easily visible, not obscured by vegetation or placed in an out-of-the-way location. Fence height deviations should be allowed only if the owners of properties adjacent to the fence agree.
4.	9/7/2016	Peter Donaldson	Please include much strong green building codes with as many incentives as possible. All buildings should be EV charging ready and solar ready with at least 20% roof sloop facing south. Also provide creative ways for cottage housing, tiny houses, attachments, and community living to keep a diverse mix of affordable housing on the island.
5.	9/7/2016	Aurora Bearse	Please reduce the hours allowed for construction. We just suffered through 10 months of construction noise due to a neighbor's remodel-- into the evenings and full weekend days. Limit it to regular daytime working hours, even if it continues to be allowed on weekends.
6.	9/7/2016	Thomas Imrich	<p>Building height Building heights should only be permitted that are consistent with the norms of the overall neighborhood, and nearby adjacent homes and structures.</p> <p>?Mega houses? out of character with the adjacent homes, or with the affected neighborhood(s) should be prohibited. Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input (not just using the minuscule ?non-descriptive? signs typically presently posted, with even washed away print that is unreadable, as on the City approved actions on 68th near QFC), the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations. ? Gross floor area Gross floor area fractions should only be permitted that are consistent with the norms of the overall neighborhood, and nearby adjacent homes and structures.</p> <p>?Mega houses? out of character with the adjacent homes, or with the affected neighborhood(s) should be prohibited. Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input (not just using the miniscule ?non-descriptive? signs typically presently posted, with even washed away print that is unreadable, as on the City approved actions on 68th near QFC), the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Lot coverage (impervious surface) Lot coverage fractions should only be permitted that are consistent with the norms of the overall neighborhood, and nearby adjacent homes and structures. ?Mega houses? Out of character with the adjacent homes, or with the affected neighborhood(s) should be prohibited. Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input (not just using the minuscule ?non-descriptive? signs typically presently posted, with even washed away print that is unreadable, as on the City approved actions on 68th near QFC), the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Minimum setbacks Minimum setbacks should only be permitted that are consistent with the norms of the overall neighborhood, and nearby adjacent homes and structures. ?Mega houses? out of character with the adjacent homes, or with the affected neighborhood(s) should be prohibited. Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Tree retention Large mature tree removal of healthy trees should generally NOT BE PERMITTED. Critical large mature trees that affect the wind safety of adjacent stands, slope stability, water retention, critical wildlife habitat, or root system interaction with soil drainage should NOT EVER be permitted unless an immediate and proximate greater safety risk of leaving the tree(s) standing is demonstrated. Further, any tree removal that is out of character with the adjacent homes, or with the affected neighborhood(s) should be prohibited. Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City (arborist) then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Minimum lot width and depth Any reduction of lot width or depth from the boundaries of existing properties should generally NOT BE PERMITTED (e.g., any additional short platting should general be prohibited). Exceptions or deviations should only be approved with specific reasonable justification, as well as with concurrence of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations. ? The definition of a single-family residence as related to very large homes (e.g., is a 15,000 square foot house with 12 bedrooms, 12 bathrooms, and 3 kitchens a single-family home or something else?) Any new home or remodel that is proposing greater than 6000 sq ft of living space, or has more than 25% greater amount of living space (measured in terms of square feet) than the average of the immediately adjacent properties (to be determined by the City), whichever is LESS, must require specific concurrence of ALL adjacent neighboring properties before a building permit can even be considered to be issued by the City. Exceptions or deviations should only be approved by the City with specific reasonable justification, as well as with written input of any and all adjacent properties, including the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Lot consolidation / Maximum lot area (impact of creating larger lots resulting in larger homes that are different from the existing neighborhood pattern) Any consolidation of lots, or reduction of lot size from the boundaries of existing properties should generally NOT BE PERMITTED (e.g., any additional short platting should general be prohibited). Exceptions or deviations should only be approved with specific reasonable justification, as well as with input from and concurrence by any and all adjacent affected properties. This should also include the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p>

	Date	Name	Comment
			<p>? Construction related impacts (hours of operation, parking, length of construction activity, etc.) The City should directly specify publicly vetted guidelines for, and requirements for, construction hours, duration, and minimum disruption to adjacent properties as well as traffic arteries. In no case should any future multi year projects be allowed to even be started that disrupt entire neighborhoods for years, with exceedingly loud noise, and machinery and truck operations, especially at early morning hours, as the ?Funny Farm? has obtrusively done now on ICW, since its inception.</p> <p>? Deviations (process and criteria) See above ? Large residential accessory structures and uses (e.g., 30-foot-high gazebos, 12-car garages, etc.) Any large accessory structures to residences out of scale with the neighborhood should generally NOT BE PERMITTED (e.g., any additional commercial scale or museum scale garages, storage facilities, non-residential use buildings). Exceptions or deviations should only be approved with specific reasonable justification, as well as with input from and concurrence by any and all adjacent affected properties. This should also include the opportunity for broad MI citizen public input on the deviation or exception. Following broad MI public input, the City then should document, widely publicize, and justifying any decision allowing any exceptions or deviations.</p> <p>? Enforcement Tools including penalties Severe fines as well as tax penalties, and legal action for removal, should be used as needed.</p> <p>? Building Permit Process: Public Notice, Public Input, and Right to Appeal Enforcement of existing code, and revised code, particularly with respect to builders, and short plat actions, should be vigorous and serious. Just as an example, RKK construction recently (July ?16) ILLEGALLY dumped over ~100 tons of dirt and debris from a different construction site on their recently purchased lot (6223 86th Ave SE) without any City permit whatsoever. Even worse, that dirt and debris potentially even containing asbestos pipe material (as reported to authorities), with the City of Mercer Island apparently taking no penalty or fine action (to date) against RKK Construction, whatsoever.</p> <p>? Short Plats - Ensuring that short plat process is not circumvented by, for example, applying for a building permit for one part of a lot with the intention of short platting the property after that permit is granted. Short platting should now generally be prohibited on Mercer Island. We cannot afford any further population increases on Mercer Island without severe safety risks (seismic, volcanic, and storm) due to potential bridge isolation, and access, lack of ?on-Island? medical facilities, and very limited police and fire capability to deal with a major region wide emergency. Further, any significant increase in population of Mercer Island will permanently risk massive additional traffic congestion with the Council induced I-90 access mess, the evolving center lane closures, the light rail train fiasco situation, leading to essentially severely degraded if not even loss of timely critical access to medical services, as well as serious additional environmental damage. THERE ARE LIIMITS TO GROWTH. It is time for MI to recognize the time las long come, and passed, where MI can successfully tolerate ANY further growth. Period.</p> <p>? Other suggestions? Perhaps for starters, new City Council members, who actually respond to the long term needs of citizens and society, fiscal and tax responsibility, and actual Islander governmental critical needs, ...and not be primarily driven by developers interests and personal pet agendas, and ?regional interests?, over Mercer Island?s interests?</p>
7.	9/8/2016	Christine Kenyon	I don't know anything about code or what it entails, but the downtown area development is a serious concern. The streets are not designed for safety, several 3 and 4 way stops are unsafe for pedestrians. It is hard to imagine what the single lane streets will be like once a new complex is full. And there is no character in the new developments. They have no outdoor seating, spots to hang out, pedestrian friendly space. There are some very intelligent people from MI who are trying to guide the council and city to make the best choices for our island. Please know that they speak for all of us.
8.	9/8/2016	Tempe Evans	I am quite ignorant about all of this, but just wanted to comment that this last apartment building is a monster and I sort of cringe every time I drive by it. It is not at all visually appealing to me, and way too big. I would request limitations on building something so tall and so large. All of the other apartment buildings built thus far appear much more reasonable. Anything bigger than those are too large in my opinion. I am not big on this new style of building apartment buildings with a few shops below. I think we could do a much better job of making Mercer Island much more unique and quaint. I am concerned about the direction that things are going after this last building.
9.	9/8/2016	Derek Cheshire	I feel that many of our development standards and building codes are too strict. For example, I don't believe that fire sprinklers should be required in all new homes when the data clearly shows that newer homes, single family homes, equipped with smoke alarms, have a low risk of occupant injury. Additionally, in a current home expansion project I'm pursuing, code compliance (widening driveways, adding sprinklers, using expensive windows to meet energy code, etc.) will add \$200-300 thousand dollars to my home project, and make my home a worse place to live. While the development services staff is very helpful, I really feel that we are overregulated and it's making it harder and harder for even upper middle class families to have a home to live in. You will be lobbied by people who will argue for "just one more rule" and it will perhaps appear that the cost of imposing that additional rule will be small, but the totality of rules that a homeowner has to comply with to improve their home are simply staggering.
10.	9/16/2016	Scott & Jean Majury	Increase the setbacks unless we want haystacks and no greenery and no environmental protection. Mega-houses pouring out into the road and alongside other homes diminishes the Island and the environment.
11.	9/19/2016	Dina Jeppesen	I would like to comment about the setback requirements for existing conditions. I have an existing house where the combination of side setbacks are less than 15'. I wanted to remodel the house because it looks like a double wide mobile home but if I want to change the design, I would have to alter the house and cut either the garage or side of the house by 2' to make the total of 15'. This would be costly because on one side, I have a basement and the other side, I have a retaining wall. I am an architect and have worked in other jurisdictions where the existing side setback is maintained and allowed. My house has been sited on this lot for years and the neighbors are not complaining. In fact, they would like to see a nicer house in the neighborhood. I can see that new construction or an addition would have to meet the 15' criteria but it makes no sense to me to have to "slice" my house in order to remodel the house. According to the code, if I do not change (I thin k it was 40%, structurally), then I do not have to change the setbacks. What if I do not want my house to look like a mobile home? What about houses that do not have the 20' front setback? Why should they have to move their house inches from the front in order to remodel their house? Nobody would do this. I can see why homeowners just sell to developers like JayMarc. If you don't want to see developer houses take over the island and want to see some variety and some quality homes, please consider changing the zoning rules. You can research other jurisdictions zoning rules and see that they accept the original setback. If you have any questions or would like more feedback, I would be happy to talk about this further.

	Date	Name	Comment
12.	9/20/2016	Lynn Hagerman	<p>I have submitted comments at public meetings in the past and have described my dismay at the changes in our neighborhoods fueled by rapid development. I have lived here on Mercer Island in the East Seattle neighborhood in 3 different houses for over 35 years. The character of the neighborhoods, that many residents desire in locating to MI, is changing dramatically due to a) loss of vegetation and large canopy trees including evergreens, b) houses built out to lot lines, and c) combining lots to build structures that are commercial in size and scale. I am writing to encourage the Planning Commission and City to: fund the "Development Services" department in some other way besides development fees; change the focus and the name of the department, and Identify ways that the planning and development function for the City can be serving the long term interests of communities on MI, its neighborhoods, in a way that prioritizes community residents first, rather than 'serving' the primarily the interests of those who profit from development. The most egregious consequences of the current code that need changing are: 1) Tree removal. Currently trees are removed with some plan to re-plant. There seems to be no oversight and the 1-1 replanting does not take into account the beauty, and stage/age of trees that are providing canopy, as well as the reality that many trees (firs) must stand as a group. Residents and developers remove trees and then the 'penalty' if applied is so small that there is slight incentive to follow the rules. Our canopy is being desecrated. No one is watching the community interest; each individual owner is doing what the City allows, (except for those who flagrantly ignore the regulations) without anyone (the City) managing the collective impact. Tree removal needs to be more strictly enforced and also the code must be changed to emphasize tree retention. 2) Impervious Surface and House / Lot ratio: Houses are being built out to the very limits (or more with deviations for permeable surfaces) of the lot lines. I would like the City to change the code to influence the size and scale of homes so that there is more space between houses and /or so that the homes are more in keeping with neighboring houses. 3) Figure out the definition of a single family residence. I live nearby a 'house' that is being built that will have 12 bedrooms and 12 bathrooms. This, apparently, is allowed under our current code and is viewed as a single family residence? It will look more like a 'motel' in the middle of a lovely single family neighborhood. 4) Figure out how to manage the definition of other permitted structures. I live across the street now from a commercial size building project that has a 32 car garage (10,000 sq feet) garage. This structure will be in the middle of a lovely single family neighborhood. It also has a 'gazebo' that is a concrete structure 30 feet high by 21feet and 26 feet. It will be an eyesore, and will be out of keeping with the character of the neighboring houses and structures. 5) Lot consolidation: IF lots are consolidated, the municipal code should not be the same as for single lots. The setbacks need to be greater, The look and feel of the property needs to reflect the neighboring houses... Now, this project looks like a commercial site and even when completed will be completely out of scale and character of the neighborhood. 7) and the timeline for construction should not be permitted to carry on over years. There needs to be a limit! I am living across the street from a commercial size project (Proctor) that has carried on and impacted us from 6:30 am - sundown every day for 3 1/2 years! 6 days a week, for what will be up to 4 years. 8) Notices and communication: neighbors did not get sufficient notice for this project, nor did we have sufficient time to respond when notices of deviations were issued. 9) Fees: the projects of the grand scale that involve consolidating lots are conducted by owners for which money is no object. The City must understand that the fees to influence building permitting are not sufficient to sway or address the issues that protect the neighborhood. Fees that are issued for single family / single lots are not sufficient for projects that are commercial in scale. Under no circumstances should a project of this scale (Proctor) ever be approved in a residential neighborhood, ever. Whatever the City has at its disposal to preclude this from happening again, it should put in place. 10) Walls and Block wall / Concrete fences: The City should take another look at fence type and heights that are permitted, especially for the large and/or multiple lot projects. If not, it will seem like we are living in a location of walled communities and neighborhoods. I don't think that is what most of MI residents want. In sum: there has been so much development in my East Seattle neighborhood and nearby First Hill that for many reasons it may seem too late to make changes, but this kind of development is occurring all over the Island. I hope the City will take a long view and a broad view of its role: each neighbor or neighborhood only considers what it is doing, and doesn't see the collective impact. The only place for the collective impact to be considered is at the Planning Commission, the City Council and the City government. To preserve the very things that most people move here to find, it is imperative that the collective impact and implications be at the forefront. We no longer can plan and develop in this Island by looking at each project or house by house. We must look at the collective in order to preserve what is attractive about the Island for generations to come. If not, it will be like any other place that many of us moved from, to be here.</p>
13.	9/21/2016	Colin Brandt	<p>I would add building mass to the discussion. Not just height or setbacks, but the mass/boxyness of the building.</p>
14.	9/30/2016	Carolyn Boatsman	<p>Several of us have gotten together to discuss the draft scope of work in an effort to provide to the City some more broadly-shared viewpoints. We also consulted with several who were unable to meet with us and have attempted to assess whether their concerns are covered in the draft Scope of Work. We hope to continue this group effort throughout the code update process.</p> <p>While we considered a broad collection of specific concerns, we concluded that most of them fall, in a general sense, under the topics that are listed below in the City's draft scope of work.</p> <p>The only topic we would request be added is "tree replacement". While "tree retention" is on the list, a number of us have issues with the tree replacement aspects of the code, which we will address when specific input is sought.</p>
15.	10/7/2016	Ben Warriner	<p>Zoning should have the same minimum that we have today, but new construction should have some percentage limits related to existing actual use</p> <p>Impervious surface deviations should not be the norm, but the exception</p> <p>Paved surfaces should never be open-space *Minimum Lots and setbacks should not decrease</p> <p>I think that "Very Large Homes" should be categorized differently</p>

	Date	Name	Comment
			I am OK with lot consolidation as long as we change the definition for "Very Large Homes"
16.	10/10/2016	William McDonald	I believe the description of the Residential Development Standards process biases the discussion--specifically the preservationist viewpoint embedded in the characterization "concerns around the rapidly changing character of Mercer Island's neighborhoods". Certainly some residents (myself) have "concerns around the slow pace of development in Mercer Island's neighborhoods". Starting with the assumption of maintaining the status quo weakens opportunities for improvements when we've never been perfect. Specifically, I'm interested in opportunities for leveraging the mass transit resources opening in the next decade by encouraging increased housing density around the light rail station.
17.	10/13/2016	Ka Anderson	The Proctor Landing residential project across the street is approaching its 4th year of construction, noise, disruption to my neighborhood and my quality of life. I was told by the owners it would be an 18 month to 2 year project. Hundreds of workers a day, a commercial endeavor in a residential neighborhood. Many variances were granted by the City, including an 8 foot high cement fence. A large gate will be added soon separating this property from the neighbors/neighborhood. Down the street a 24,000 sf monstrosity is being built, further down the street 3 adjoining lots with houses on them have been purchased, I shudder to think what will be happening there. The character and quality of life in this once peaceful neighborhood is currently destroyed and will continue to be a nightmare of construction for at least the next 3 years if not longer. Very sad and very hard to live through on a daily basis of truck noise, back up beeping, dust and disruption.
18.	10/13/2016	Mercer Island Resident	<p>Construction related impacts: (a) Construction signs and contractors vehicles should not obstruct traffic view and force bikers onto road of oncoming cars.</p> <p>Building heights (new/remodeled): (a) restrict heights that block views of existing homes; (b) reinforced to prevent collapse from earthquake/slide.</p> <p>Air BnB type rentals not permitted. If allowed, there must be following: requirement/regulations/restrictions/ordinance (e.g.(a) must vett applicants, (b) provide applicants rules of neighborhood regarding noise/overparking-blocking/trash/property boundaries etc, (c) notify neighbors information on temporary tenant (names who will be staying/length of stay/# of cars/contact if problem, etc) and (d) fees (business license, deposit to defray cost of enforcement, neighborhood damage, etc).</p> <p>Drones: (a) must be registered (regardless of size) with City; (b) enforceable rules restricting where drones allowed/not allowed to fly (e.g. residential areas to protect the privacy of neighborhood). (c) If there is business need to fly in off limit areas: must visibly display drone city registration #, file a request to fly with information: location of flight area, date/time of flight, purpose of the flight, how data collected (video/recording) will be used, kept secured, and require permission of the target of the data before releasing in any media, where drone control located, address/owner/contact info of the drone owner/operator, etc), and post refundable damage deposit (in the event the drone damages Cell tower, windows, etc)</p> <p>No marijuana sold or grown for commercial purpose within/on a residential home/property.</p> <p>Traffic obstruction: Signs reminding bikers to obey rules of the road, stay on shoulder, not ride side by side obstructing motor vehicles, obey stop signs/intersections right of way rules.</p>
19.	10/19/2016	Lynn Hagerman & Jim Hummer	<p>My thoughts on residential development code changes:</p> <p>Multiple Tax Parcels</p> <p>Side Setbacks should be cumulative.</p> <p>If basic side setback is 10' on each side, with 2 lots it should be 20' on each side.</p> <p>If 3 lots, 30' on each side.</p> <p>Variable Side Setbacks eliminated.</p> <p>I have heard that side backs must total 15' (minimum 5' on one side, 10' on the other; 7.5' on both sides etc.</p> <p>Should be a minimum of 10' or 15' on both sides.</p> <p>Variances</p> <p>Approved at a higher level than now, such as Planning Commission or City Counsel.</p> <p>Trees</p> <p>Significant trees (an appropriate measure of height) in a parcel's current setback must be retained if parcels are combined.</p> <p>Scale of Projects</p> <p>Permits/fees good for 1 year only</p> <p>Increase cost of fees/permits as construction period lengthens</p> <p>Permit for Year 2 = Same as Year 1 fees/permits</p> <p>Permit for Year 3 = 2 x Year 1 fees/permits</p>

	Date	Name	Comment
			Permit for Year 4 = 3x Year 1 fees/permits No extensions beyond 4 years. No additional permits for 2 years Increase cost of fees/permits by size Up to 2,500 SF Base Fee/Permits Up to 3,000 SF 1.20 x Base Up to 4,000 SF 1.50 x Base Up to 5,000 SF 1.75 x Base Up to 6,000 SF 2.00 x Base Up to 7,000 SF 2.50 x Base Up to 8,000 SF 3.00 x Base Up to 9,000 SF 3.50 x Base Up to 10,000 SF 4.00 x Base Up to 11,000 SF 4.50 x Base Up to 12,000 SF 5.00 x Base Up to 13,000 SF 5.50 x Base Up to 14,000 SF 6.00 x Base Up to 15,000 SF 7.00 x Base Above 15,000 SF 10.0 x Base Non-Habitable Structures (Garages, barbeque areas) Reduced Height limitations say 12' Maximum Garage size say 2,500 SF
20.	10/21/2016	Joy Matsuura	<p>The current residential plan has been failing to maintain the character in our neighborhoods. A lot of people think that the only appeal of Mercer Island is that its good schools keep property values high, but there are people who move here for other reasons, such as the:</p> <ul style="list-style-type: none"> - Greenery. Parts are like Carnation. MI is a bit of country minutes from Seattle or Bellevue. - Large lots and large setbacks. We chose MI over Bellevue because we wanted space around our home and didn't want to be right up against our neighbor. That is quickly being lost. - Safety. <p>There are many other reasons to move here, but I'll focus on these 3, which are being affected by failures in the current residential plan.</p> <p>1) Greenery. The tall firs and pines that we have here add to the beauty of the island and announce to the world that we are in the Pacific Northwest. Other types of trees and bushes add to the beauty. The overall vegetation provides cooling shade, helps cleanse the air and provides habitat for birds, bees and other animals. It is fabulous that we have eagles and other birds on the island, and that they are not limited to the formal parks. Although some of the older homes may have garages or buildings that are close to (or over the setbacks), most older homes were not built to the maximum that the law allows. The extra space is not wasted. It can provide yards for kids to play in. It is this extra space that has enabled much of the greenery on the island and is where many of the taller trees are. When older homes are torn down and replaced with newer homes, the result tends to be fewer tall trees. In some cases, even if the tree remains, the construction may damage the roots and the tree may need to be taken down later. We talk about saving the rainforests in Brazil--but what about the forests on Mercer Island?</p> <p>2) Setbacks and large lots. I believe that the current plan says that side setbacks can be as little as 5 feet (20 feet total, so it can be 5 feet on one side and 15 on the other). There are some very tiny lots on the island (e.g. over on 88th Ave SE, by the Shorewood Apartments), that can't afford a bigger setback. We generally have larger lots on the island and most of these are ample to allow a larger setback. I recommend that side setbacks be increased, maybe a 15 foot minimum. It is worth considering the impact on neighboring property too. As older homes are often not built to the maximum setback, with the current setbacks and current height restrictions, when a small home is replaced with a maximum new home, it can have a tremendous deleterious impact on the livability of a house next door. E.g. after our previous home was bought and bulldozed, the new structure was built to maximum height 5 feet from our neighbor's property, whose home was built close to the setback on their side. Theirs was a tiny, charming home on a little lot. The bit of land facing our old house used to get sunshine, so they were able to grow some beans and lettuce. After our old house was bulldozed, that bit of land suddenly had a 30-foot wall 5 feet from the property line. No more sunshine. No more vegetables. They also lost all the privacy in their backyard, so I assume this has affected the marketability of their home. If you don't</p>

	Date	Name	Comment										
			<p>change the setback, then change the height allowance. Perhaps people can build to 5 feet of their neighbor, but are limited to ONE story. This gives some flexibility. What might be better is to have larger side setbacks, but allow people to get exemptions if they can get written approval of the neighbor on that side. I think that insufficient setbacks have been causing a lot of harm to the character of the island. Most of the new development is built to the maximum size that setbacks will allow, especially when short platting occurs. Small homes come on the market and are snapped up before young families have a chance to see them. The buyer is just interested in a quick buck, bulldozes and builds something that he thinks will give him the most profit. It doesn't always work out this way. The builder sometimes sells for a loss and moves on, but the neighborhood is stuck with the result. It doesn't have to be this way, sometimes people have bought property, torn down and built a smaller, beautiful home that enhances the neighborhood. These tend to be people building their dream home, which means they have a commitment to living here long-term. This type of building should be encouraged. Larger lots are good for the island. A lot of them have extra greenery that is good for the planet and good for the soul. btw: developers are not evil. It's not bad to want to make money. If what they are building is ruining the neighborhoods, then the fault lies more in the guidelines that the City has provided than in the businessmen who are following those guidelines.</p> <p>3) Safety. Sadly, one of the reasons we get targeted by burglars is that people feel so safe here, they tend to leave doors unlocked. Based on all the posts, crime is becoming an increasing problem. Other places may be worse, but crime here has been better. Crime can and is being addressed in other ways, but failures in addressing the above two issues I've mentioned may be contributing to an increase in crime. One of the things that makes neighborhoods safer is neighbors knowing each other and looking out for each other. This is helped by people being here for a longer time, moving here with a desire to become part of our community and staying because they like the place and the people. Older families also tend to be home more. When people are around in the day, that can dissuade burglars. When the character of the neighborhood changes, that gives people more incentive to move away. Why stay and pay the high taxes here when it's no longer as nice? When the trees and privacy are gone? As some people move, others do too. If the only reason to move here is for the schools, then people will move here for the schools, stay for the few years necessary for their kids to get educated, then sell (for a profit) and buy a home in a cheaper area. A revolving door community doesn't tend to know each other. People need time to get acquainted. If the houses are large with no space around them, people don't tend to be outside their homes much (or they get in their cars inside their sealed garages, open the door and drive away, perhaps to a park to experience some greenery). We shouldn't need National Night Out for people to meet their neighbors. Having room for greenery helps. People can chat or wave while out raking the leaves from a beautiful fall.</p>										
21.	10/25/2016	Carolyn and Mark Boatsman Anne Fox Lynn Hagerman and Jim Hummer Barbara VanDyke Shuman and Jim Shuman Molly and Dirk Van der Burch Sue and TJ Stewart Elizabeth Malone Erik Jansen	<p>Recommended changes in Mercer Island Residential Development Standards *Note: City names in parentheses are those which have comparable standard</p> <table border="1" data-bbox="584 943 2800 1753"> <tbody> <tr> <td data-bbox="584 943 1019 1124">1. Building height</td> <td data-bbox="1019 943 2800 1124"> ESTABLISH 30 FOOT HEIGHT LIMIT <ul style="list-style-type: none"> No height above 30 feet - eliminate current provisions which allow up to 35 feet in some situations (Issaquah, Newcastle, Renton) Measure building height from the average building elevation of the existing or finished grade, whichever is lower (Issaquah) Include an appropriate height to account for roof top decks in measuring building elevation </td> </tr> <tr> <td data-bbox="584 1124 1019 1332">2. Lot Coverage (Impervious Surface)</td> <td data-bbox="1019 1124 2800 1332"> DIFFERENTIATE BETWEEN MAXIMUM BUILDING COVERAGE AND MAXIMUM IMPERVIOUS SURFACE <ul style="list-style-type: none"> Establish a building coverage standard of 35% separate and distinct from the impervious surface standard (Newcastle, Bellevue, Renton, Redmond) Eliminate impervious surface deviations on lots with slopes less than 15%; Establish clear purposes for impervious surface deviations, if any, and limit them to lots with unique geographic attributes that would justify a deviation Require as-built certification from surveyor as to final amount of impervious surface </td> </tr> <tr> <td data-bbox="584 1332 1019 1649">3. Gross Floor Area</td> <td data-bbox="1019 1332 2800 1649"> ELIMINATE GROSS FLOOR AREA EXEMPTIONS; REDUCE GFA; ENSURE COMPLIANCE <ul style="list-style-type: none"> Include the "second level" of multi-story open spaces in the calculation of gross floor area, i.e. revise current practice which counts only the lowest level Include all floor area of basements in the calculation of gross floor area, i.e. do not exclude part of daylight basement from gross floor area calculation on theory that it is partially below existing grade Include roof decks in the calculation of gross floor area Consider reducing GFA to below 45% Require as-built certification from architect as to the final GFA </td> </tr> <tr> <td data-bbox="584 1649 1019 1719">4. Minimum Setbacks</td> <td data-bbox="1019 1649 2800 1719"> INCREASE SIDE YARD SETBACK Increase side yard setbacks to at least 20' (from 15') with a minimum of 7.5' on any side (Renton 7.5' any side/20' total and Issaquah 8' any side) </td> </tr> <tr> <td data-bbox="584 1719 1019 1753">5. Tree Retention</td> <td data-bbox="1019 1719 2800 1753"> PRESERVE TREES </td> </tr> </tbody> </table>	1. Building height	ESTABLISH 30 FOOT HEIGHT LIMIT <ul style="list-style-type: none"> No height above 30 feet - eliminate current provisions which allow up to 35 feet in some situations (Issaquah, Newcastle, Renton) Measure building height from the average building elevation of the existing or finished grade, whichever is lower (Issaquah) Include an appropriate height to account for roof top decks in measuring building elevation 	2. Lot Coverage (Impervious Surface)	DIFFERENTIATE BETWEEN MAXIMUM BUILDING COVERAGE AND MAXIMUM IMPERVIOUS SURFACE <ul style="list-style-type: none"> Establish a building coverage standard of 35% separate and distinct from the impervious surface standard (Newcastle, Bellevue, Renton, Redmond) Eliminate impervious surface deviations on lots with slopes less than 15%; Establish clear purposes for impervious surface deviations, if any, and limit them to lots with unique geographic attributes that would justify a deviation Require as-built certification from surveyor as to final amount of impervious surface 	3. Gross Floor Area	ELIMINATE GROSS FLOOR AREA EXEMPTIONS; REDUCE GFA; ENSURE COMPLIANCE <ul style="list-style-type: none"> Include the "second level" of multi-story open spaces in the calculation of gross floor area, i.e. revise current practice which counts only the lowest level Include all floor area of basements in the calculation of gross floor area, i.e. do not exclude part of daylight basement from gross floor area calculation on theory that it is partially below existing grade Include roof decks in the calculation of gross floor area Consider reducing GFA to below 45% Require as-built certification from architect as to the final GFA 	4. Minimum Setbacks	INCREASE SIDE YARD SETBACK Increase side yard setbacks to at least 20' (from 15') with a minimum of 7.5' on any side (Renton 7.5' any side/20' total and Issaquah 8' any side)	5. Tree Retention	PRESERVE TREES
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Date	Name	Comment
		<ul style="list-style-type: none"> • Amend purpose section of tree regulations to include community resource values of reducing global warming and preservation of canopy (Issaquah), native trees (Victoria), and landmark trees • Establish minimum large tree density for City zones, e.g. 2 trees/5000 ft. sq., etc. based upon lot size (Renton) • Establish a maximum large tree removal rate without a permit, e.g. for lots up 9600 ft. sq., removal of two trees/year, 4 trees per five years • Prohibit removal of large trees during development unless the development potential of the property cannot be reached; place burden upon developer to prove that the location of the building pad and design cannot be modified to permit retention of large trees • Consider departures from development standards to preserve a large tree when development potential of the property cannot otherwise be reached • Prohibit removal of large trees from undeveloped land • Ensure adequate tree protection during construction <p>TREE REPLACEMENT</p> <ul style="list-style-type: none"> • Establish incentives and require, in appropriate circumstances, replacement with native species • Required replacement trees cannot be removed without providing new replacement trees or, if not feasible, a fee in lieu is paid into the Tree Fund (see below) (Seattle, Issaquah, Lynnwood) <p>PROTECT LANDMARK TREES</p> <ul style="list-style-type: none"> • Define landmark tree based upon species characteristics rather than size and vague references to distinction and beauty; eliminate the cumbersome ineffective nomination and approval process (Seattle, Issaquah, Renton, Victoria) <p>IMPROVE TREE REGULATORY PROGRAM</p> <ul style="list-style-type: none"> • Require Tree Removal Review (no-fee review of plans to remove trees to determine if a permit is required) (Issaquah) • Notify property owners and residents within 300 feet of a tree if removal requires a permit; allow a public comment period • Ensure that penalties for illegal tree removal are significant, that replacement trees under such circumstances are mature, and that the development be designed as if the tree had not been removed <p>ESTABLISH A TREE FUND</p> <ul style="list-style-type: none"> • Establish a Tree Fund with monies collected from <ul style="list-style-type: none"> ○ civil penalties for illegal tree removal ○ fee in lieu for removal of large trees, whether or not removed incident to development, if not replaced ○ fee in lieu for removal of replacement trees if the placing of new replacement trees is not feasible • Use Tree Fund to educate the public regarding the value of trees, tree preservation, and to plant trees and remove invasive species from parks and City property
	6. Building pad	<p>NEED TO ENSURE THAT BUILDING PADS ARE ALWAYS LOCATED IN THE BEST POSSIBLE LOCATION FROM AN ENVIRONMENTAL STANDPOINT</p> <ul style="list-style-type: none"> • Require City approval as to location or relocating of any building pad under any circumstances to ensure minimal impacts on trees and critical areas. • Building pad cannot be located in a place that would result in the loss of any significant tree unless there is no feasible alternative.
	7. Minimum lot width and depth	
	8. The definition of a single-family residence as related to very large homes (e.g., is 15,000 square foot house with 12 bedrooms, 12 bathrooms and 3 kitchens a single-family home or something else?)	<p>RECOGNIZE THAT PROJECTS OVER A CERTAIN SIZE ARE NOT THE SAME AS A TYPICAL SINGLE FAMILY RESIDENCE AND HAVE TO BE EVALUATED DIFFERENTLY</p> <ul style="list-style-type: none"> • Establish a maximum size for single family residences • Consider undergrounding utilities incident to construction of extremely large residences • SEPA review for projects of a certain size or greater • Require a community impact mitigation plan involving such issues as truck traffic, noise and other construction impacts, parking of construction vehicles, work times, etc.


Date	Name	Comment
		<p>9. Lot consolidation / Maximum lot area</p> <p>ESTABLISH A MAXIMUM STRUCTURE SIZE IN RESIDENTIAL ZONES</p>
		<p>10. Construction related impacts (hours of operation, parking, length of construction activity, etc.)</p> <p>NEED TO ENSURE THAT CONSTRUCTION ACTIVITY DOES NOT UNDULY IMPACT THE ABILITY OF RESIDENTS TO ENJOY THEIR HOMES AND LIVE THE LIFE THEY ARE ENTITLED TO IN A RESIDENTIAL NEIGHBORHOOD</p> <ul style="list-style-type: none"> • No work on Sundays or legal holidays • No work before 8am or after 7pm • Make it clear that property owner/developer is financially responsible for physical damage to neighborhood properties caused by construction
		<p>11. Deviations (process and criteria)</p> <p>UPDATE REGULATORY GOALS AND CRITERIA FOR GRANTING DEVIATIONS</p> <ul style="list-style-type: none"> • Establish clear goals for granting deviations • Adopt specific criteria that establish the unique circumstances that justify a deviation • The existing 5% impervious surface deviation on flat or low angle lots serves no regulatory purpose and should be deleted from the code • Require applicants to document that the application satisfies all criteria • City decisions to grant a deviation must document the criteria that allow the deviation based upon information provided by the applicant • Ensure that all application materials are readily available on the City website so that citizens can review during the comment period • Communicate City decision to those who comment on a deviation request with explanation
		<p>12. Large residential accessory structures and use (e.g., 30-foot-high gazebos, 12 car garages, etc.)</p> <p>Establish a maximum size for accessory structures in residential zones</p>
		<p>13. Enforcement tools including penalties</p> <p>TOUGHEN ENFORCEMENT TOOLS SO THEY CREATE A MEANINGFUL DETERRENCE TO ILLEGAL CONDUCT</p> <ul style="list-style-type: none"> • Enforcement tools must include penalty that precludes someone from being able to benefit from a violation – being able to do something that one could not have done if they had complied with legal requirements. • Citizens must have simple means to report suspected violations and be able to learn about the timely disposition of complaints • Environmental damage should result in criminal prosecution.
		<p>14. Building Permit Process: Public notice, public input and right to appeal</p> <p>NEED FOR TRANSPARENCY AS TO BUILDING AND SIMILAR LAND USE PERMITS</p> <ul style="list-style-type: none"> • Notice of building and similar land use permits must go to property owners within 300 feet of any property boundary with a sign also required advising people of the pending permit application • Sufficient opportunity must be provided for people to comment on and object to permit applications and to appeal decisions before an administrative law judge. • All materials relating to building permit applications have to be viewable online as of the first day of any comment period.
		<p>15. Fence height deviations</p> <p>RETAIN A COMMUNITY OF OPENNESS AND WELCOMING NEIGHBORS RATHER THAN WALLS AND GATES</p> <ul style="list-style-type: none"> • Establish clear goals for granting deviations • Adopt specific criteria that establish the unique circumstances that justify a deviation • The existing ease of obtaining a fence height deviation serves no regulatory purpose and should be amended • Require applicants to document that the application satisfies all criteria • City decisions to grant a deviation must document the criteria that allow the deviation based upon information provided by the applicant • Ensure that all application materials are readily available on the City website so that citizens can review during the comment period

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16. Time Limit on Validity of Building Permits	PENALTY FOR EXCEEDING INITIAL PERMIT PERIOD Should be a monetary penalty for exceeding permit duration which includes putting a daily amount into an impact fund that can be paid to impacted neighbors						
17. Short Plats - Ensuring that short plat process is not circumvented	PREVENT CIRCUMVENTING THE SUBDIVISION PROCESS Ensure that short plat process is not circumvented by applying for a building permit for one part of a lot with the intention of short platting the property after that permit is granted						
22.	11/2/2016	Dan Thompson	<p>Please find attached to this email my comments to the Planning Commission regarding the residential development update, including:</p> <p>December 4, 2015 letter to City Council with Exhibits 1-9;</p> <ol style="list-style-type: none"> December 7, 2015 letter to City Council regarding solutions; Recent comments posted on Nextdoor regarding the residential development kick-off meeting and November 2, 2016 Planning Commission de-briefing with citizen comments. <p>Would you please make sure these documents are made part of the record in this matter.</p> <p>As noted in my second Nextdoor post, I am concerned that the scope of the review before the Planning Commission may not include changes to the current procedural interpretations and rules for permit notice, involvement, and appeal. I am unable to discern whether these issues are within the scope before the Planning Commission. I would appreciate it if you could confirm whether or not the procedural issues raised in my Nextdoor post and letters to the Council will be before the Planning Commission and within the scope of the development code amendments.</p>				
23.	11/2/2016	Sarah Fletcher	<p>Hello Evan, do you know why the Arborist states in the Record of Decision that critical trees will be preserved, and issue an Arborist's Report as part of the Record of Decision, but then in the Development phase, he completely ignores his own Arborist's Report and allows more critical trees to be cut down so that a building's foundation can go where the critical tree that was to preserved goes? This cannot be acceptable. And there needs to be a timeframe on replacing trees and will you please take the language out in the Tree Code "at arborist's discretion." This is causing a major problem in that he is just substituting bushes and shrubs with trees. Could you please tighten up the Code with regard to the destruction of trees in that they should be preserved at all costs. The purpose of the trees is to camouflage the houses, not to have them showing with all the bright floodlights. The arborist said that he can't deny a permit if it means a development being cancelled because of his not allowing a tree permit. How can the arborist deny a permit without having to feel that he is the one responsible for the development not being approved?</p> <p>And will you please stop the property owners from bringing in fill dirt or infill to either make a foundation level higher or to level off ground and that if it is brought in illegally, then it needs to be taken out with immediate effect no matter who the owner of the property is. And if dirtfill causes problems with the neighbors' property, he needs to do remediation. And if a neighboring house was built below grade, the new proposed developments' foundations need to be at the same level in that should the foundation level start off at a higher level to the neighbor's house or condo, even going up 30ft, will dwarf the neighboring house or condo and block the neighbors' views. This cannot be allowed.</p> <p>And as for new developments with lots of cars, we don't want to look at a parking lot or find that the fumes are coming into our condos setting off our carbon monoxide alarms. And if there is an orchard, there should be a law that preserves orchards and not be allowed to be developed.</p> <p>And the 15ft border between properties is just not enough room and should be measured from the rooftops.</p> <p>And if the area only have houses that have sloped roofs, for a developer to come in with a huge house that has a flat roof, that brings down the whole neighborhood (which can be seen on 72nd Ave SE with a Jaymarc showhouse), that should not be allowed as part of the design. Neighbors should be allowed to view the proposed development and have some say as to whether they approve the proposed buildings or not. It is not clear at all when we comment on a Notice of Public Application if we are looking at plats or what? And then, between the Planning, the demolition and development, the building</p>				

	Date	Name	Comment
			can change completely without us being allowed to comment and then a house will go up and spoil our view or bring the neighborhood down. Something is wrong with the process. No McMansions should be allowed to be built next to cottage-type houses.
24.	11/3/2016	Wendy Wasicek	<p>I am currently living across the street from a new residential construction project. After watching this construction for the last 5 months I believe the following topics need to be revisited in the planning development review process: Consideration of shape of house/roof in the determination of height limits - a flattop roof design has a much more significant impact on neighboring homes than a traditional peaked roof. The visual blot is more daunting, particularly when the overall shape of the home is rectangular, and blocks more sky and light. The height/size limit should be lower with this design.</p> <p>Size of home and impermeable surfaces as a % of lot size ? the maximum current size of home and straight angle design does not allow space for any landscaping to soften the impact of the size of the home. The size allowed is too large. Tree removal - It was my understanding that Mercer Island values its large trees from a beauty and environmental prospective. The project across the street removed every tree from the lot and cut off branches from most neighboring trees at the property line. This was too excessive.</p> <p>Size of basement ? the project across the street has a full basement which required several months of excavation and dirt removal/replacement. The area has significant clay soil and water runoff problems. This type of design should be restricted based on the home/lot size. Repair of damage caused by heavy truck traffic to neighboring streets needs to be required.</p> <p>Handling of runoff water ? excessive tree removal, size of home, and impermeable surfaces negatively impact the amount of storm water runoff. Our current storm water system has limitations that must be considered, particularly given the trend we are seeing toward heavier rainfall. Rain gardens should be considered as possible requirements, similar to those required by Bellevue.</p> <p>Permitting process and notification of neighbors ? the current process does not allow any reasonable input from impacted neighbors. Mercer Island has been a great place to live. I would like to see it continue to be so.</p>
25.	11/11/2016	Sarah Fletcher	<p>Tree Ordinance. Critical trees should be protected at all costs. And if the Arborist is going to give permission for the developer or homeowner to cut down a critical tree, he has to take pictures and explain why the tree(s) need to be cut down and have the City Council make a decision if the public as to the cutting down of the tree(s). No-one is overseeing the arborist and that is a problem. If trees are cut down and are supposed to be replaced, there has to be a timeframe as to the replacement even if there is a new homeowner. And please take out the words "at arborist's discretion." That is a disaster in that the arborist is replacing critical trees with bushes and shrubs. And someone at the meeting said that developers were going to demolish an orchard which contained a whole lot of apple trees. I was watching Ciscoe Morris the other day and he showed how apple trees from 1930 were being preserved and moved. So, if the trees are not going to be protected at the site, they should be carefully moved to Luther Burbank Park or to one of the other parks in that the apples are a good source of food for the wildlife and if there are a lot of apples, someone could pick those and distribute those to the low income residents. It is a win-win for everyone. The priority of course it to protect the trees at the construction site.</p> <p>Infill Dirt. No infill dirt should be allowed in. Period. And if it is brought in illegally, it has to be paid by whoever owns the plot of land as soon as the City is made aware of this. Also, if someone wants to level their land with infill dirt, they should get a permit in that that could cause problems with the neighbors. Cutting down trees on a slope like what they did on the hillside above Mercerdale Park should have not been allowed because now that causes a landslide risk. There should be some ordinance to stop a development like the one above from happening because of the landslide risk.</p> <p>Height of Proposed Development. If the "average foundation level" is higher than the neighboring condo building which happened to be built below ground level, the neighboring development should be at the same foundation level of that neighboring condo building in that if the foundation level is higher, even if they build a 30ft with a 5ft appurtenance, it is going to dwarf the condos opposite and result in neighbors' views to be destroyed.</p> <p>Houses and Parking Layout. If there are subdivisions, there has to be a traffic study to see the impact of what the impact on the subdivision will do to the neighbors. As an example, some cars from next door were setting off the carbon monoxide detectors. And neighbors should not have to have an orchard and trails be replaced with a whole lot of houses. That destroys the peaceful nature of the neighborhood and once that is gone, that is it. It is forever.</p> <p>Boundary. The 15ft boundary is not enough. I don't know when this boundary percentage came in, but it has to revert to before this new boundary percentage. Roofs. If all the neighboring houses have sloped roofs, the new development should also have a sloped roof. Not like that new Jaymarc house on 72nd Ave. It has ruined the whole neighborhood. Neighbors should have a chance to add their input not only on the planning, but on the proposed houses. When one looked at Mercer Island from the I-90 freeway, the one thing that stood out was how few homes one saw because of the trees camouflaging them. The benefit of having trees will cut down on the freeway noise, so one would think it would be beneficial to keep them for that reason alone. If people are coming to live on Mercer Island and if they don't like trees, they should not move here. The trees make up part of the charm of the island. Trees should not be replaced with bright floodlit houses.</p>

	Date	Name	Comment
26.	11/22/2016	Teresa Magaram	Like many others, I'd like the city council to be respectful of present city residents and set codes to protect the character of neighborhoods. There is a new single family home, where external construction has just been completed. It is on the east side of West Mercer just south of 24th Ave. The house is clearly 3 stories on both its' east and west sides. There must have been some interesting math used to justify the 3rd floor as a reasonable interpretation of the existing code 2 story limits. It does not fill me with confidence that codes will be enforced, however they're written. Retaining a 2 story limit would be great. I'd be so very pleased if the city council would at least listens to island residents and adopt codes reflecting our wishes and concerns. Some say that could happen. Personally I'm considering selling the 90 bridge, again and again.
27.	12/7/2016	Anne Fox	<p>1) It is imperative that protection of trees during new development be sufficient to actually insure the long term health of the tree(s). This requirement can only be met if a wide berth, one appropriate to the height of the tree, is protected before construction begins. Too often roots are cut to accommodate the scale of a new home. This does not result in a reasonable chance for the tree surviving. If this regulation were to be implemented it could result in a reduction to the scale of the house.</p> <p>2) The requirement to replace one tree removed during construction with some number of newly planted trees is not necessarily a reasonable one. I have seen it result in a "forest" being planted on a site. I don't think that is fair to the owner nor does the crowding necessarily result in a healthy tree growth. I feel the ratio of one down/? replacement trees should be reviewed.</p>
28.	12/16/2016	Dan Thompson	<p>In today's Seattle Times is an editorial addressing the Seattle Hearing Examiner's rejection of the City of Seattle's plan to allow accessory dwellings in residential neighborhoods even when the property is not owner occupied. I think the Seattle Hearing Examiner's decision, and this issue, raise some good points for our current residential code rewrite:</p> <ol style="list-style-type: none"> 1. In prior letters and emails to all of you I have asked for clarification from the MI Council that administrative processes under MICC 19.15 are within the scope of the rewrite. Most importantly I have asked that 19.15 be amended to provide that all permit appeals go before the Seattle Hearing Examiner (along with other procedural changes to current DSG interpretations that unfairly exclude citizens from the land use permit process). Currently, appeals of variances go before the Seattle Hearing Examiner, but critical issues like deviations (including impervious surface deviations and short subdivisions) go before the planning commission. After sitting through four weeks of Evan simply educating our planning commission on our current code I believe our planning commission does not have the neutrality or legal ability to hear and decide permit appeals. (Imagine our planning commission coming to the same ruling the Seattle Hearing Examiner did). Ironically, our current planning commission (which includes four new members) didn't even understand the bifurcation of appeals, or the distinction between a variance and deviation. Personally, I am not aware of a single instance in the last 10 years in which the planning commission has held in favor of a citizen in an appeal, or reversed the DSG. Most of these decisions never come before the council. If I served on the council I would rather have a complicated land use issue that comes before the council be vetted by the Hearing Examiner rather than the planning commission (i.e. Coval). I would again ask the council to publicly inform Evan that administrative processes are within the scope of the rewrite because it is my understanding Evan does not believe they are. 2. Currently our code provides that short subdivisions (i.e. four lots or less) go before the planning commission but not the council, and only long subdivisions (four or more lots) go before the council. I think all subdivisions more than two lots should come before the council, especially if they don't first go before the Hearing Examiner. Our council has an obligation to be more involved in something as critical as the division of land on MI, and there are way more short plats than long plats on MI, and therefore this distinction found in R.C.W. 58.17 (four or fewer lots) isn't applicable to MI. 3. Although our current residential code allows accessory dwellings, I am not sure if it allows rental of these units by non-owner occupied property. I think the Seattle Hearing examiner's reasons for rejecting Seattle's position on this issue apply equally to MI, and think both our current code and future code should preclude rental of accessory dwellings by property not occupied by the property owner. 4. After sitting through 10 hours of Evan's presentations to the planning commission (which have been quite good (if not understood by the commission) I am convinced our planning commission has no hope of writing a residential code, and will simply rely on whatever Evan suggests (or God forbid Greenberg), although I can see Evan is somewhat nervous about this. Our planning commission has been all over the board, confusing zoning with land use, failing to understand the basic tools of land use like impervious surface limits, calculation of gross floor area and exemptions, average building height, and the formulae for each. Instead our planning commission discusses general theories of density, zoning and cottages. It is apparent to me anyway that this planning commission is being asked to do something it simply doesn't have the knowledge or capacity to do, on a very contentious and important issue, after a disastrous town center process which I can sense makes this commission nervous, and leaves them looking to Evan for the correct solution. <p>What I would strongly suggest is the council begin to include in its regular meetings updates from Evan to make sure the commission (and Evan) don't formulate a code rewrite that isn't what the citizens or council intended, and drop it on the council for an all nighter like the residential code rewrite.</p> <p>I also think it would be helpful (for the commission, not Evan) if the council reiterated the primary purpose of the code rewrite (other than Greenberg's bizarre code interpretations that are the cause of all of this acrimony). The first basic purpose is lot to house area ratios (massing and neighborhood consistency), which could easily be addressed by simply stating gross floor area be measured from the exterior of</p>

	Date	Name	Comment
			<p>the house w/o any exemptions including below grade area (like the fire marshal does), with perhaps one exemption for attic area to prevent houses from having flat roofs. This simple rule would remedy 90% of the citizens' anger at McMansions'. It is ludicrous to enact a rule addressing house area to address massing but then allow exemptions to floor area that obviously result in greater exterior massing. This would include Greenberg's reversal of many years of code interpretation (first enacted by Steve Lancaster) now holding celestial space only counts as one floor because the automatic 5% impervious surface deviation Greenberg enacted in another administrative interpretation resulted in houses exceeding the maximum floor area/lot area ratio.</p> <p>5. Which leads me to administrative interpretations, which our current code allows by the Dir. of the DSG. These interpretations don't go before the council or even the planning commission. Under Greenberg they have become nothing more than de facto code amendments without any citizen involvement (usually because they are issued right before major holidays) or council review. I would suggest that any code rewrite provide that all administrative interpretations by the DSG go before the council for approval to stop what has happened under Greenberg.</p> <p>6. Finally, at some point this council has to inform the citizens that without a moratorium, even on deviations and variances, the citizens won't see any relief in their neighborhoods for years because all the permits being filed right now will vest under the old code and Greenberg's "interpretations", and take years to process and build. I was pretty angry when I found out Greenberg had Evan reviewing permits which delayed any residential code rewrite for months, and even now any new code won't be formally approved until next summer. I find it disingenuous for this council to continue to revise its projected 2017-18 budget deficits downwards because Chip Corder continues to revise revenue from residential development upwards because of the spike in permit applications without acknowledging this council is doing what I have accused past councils of doing, namely selling our neighborhoods to cover salaries, benefits and management errors that are unsustainable, but no council will address meaningfully. If the residential development revenue is more important to the council than protecting the neighborhoods from abusive development then this council has an obligation to be honest with the citizens and tell them that.</p>
29.	12/16/2016	Lynn Hagerman	<p>Dear Mercer Island City Council Members, and Mercer Island Planning Commission Members:</p> <p>This is to request that all Council Members, and Planning Commission members take a few minutes and see this in person. The mass of it cannot be communicated effectively via descriptions or pictures. We (neighbors) have tried to appeal to the owner at Proctor, to consider its aesthetics, environmental impact and impact on our experience / and the character of the neighborhood, to no avail. And, apparently, the City Planning Dept has no discretion to alter this if it meets the current code for setbacks and height originally designed for single family homes. So it is a free-standing set of concrete walls 30 feet high by 21 and 26 feet respectively.</p>

	Date	Name	Comment
			<p>I am asking you to personally take a look, so that you can see what we (Mercer Island) allow to be constructed under the current code, so that this may be an example of one key area that needs consideration under the code revision.</p> 
30.	12/19/2016	Anne Woodley	<p>Hello, I am interested in protecting the Island and our quality of life from the developers who know all too well how to maximize their profits. I believe we need development fees for infrastructure and associated other expenses. Then we need protections of fence heights, plats , impervious surface, tree protections.</p> <p>Traffic safety. Bainbridge island has a development code we can use as a model. No one is going to be able to undo the problems if we do not act now. The problems are way overdue. We also have an additional problem of unoccupied houses from investors (many of them foreign who have no one in town to watch their homes). I am living in a neighborhood with multiple investment houses that are empty some without gardeners or rodent protection. This erodes property value. I appreciate the complexity of these issues but we need to protect the wonderful parts of this community. Lots of people are making a lot of money without being held to reasonable standards. Thank you.</p>

	Date	Name	Comment
31.	12/19/2016	Johan Valentin	I believe that the current residential code is adequate and that we should not rush into changing the general code to address a problem in a few isolated areas of the island. Thank you!
32.	12/19/2016	Eric Radman	Huge homes are being developed where older homes used to exist. I know of 3 developments where one house with a large lot was purchased and 3-4 homes were/are built. One large 6,700 sq ft home being built by Barcelo Homes is totally out of character of our neighborhood. Also, I'd like to see stricter ordinances on dumping roof runoff into catch/percolation basins (we have no storm drain system in my neighborhood). I'm particularly concerned because these catch/percolation basins are located within 50 feet of a very steep hill. Developers should NOT be able to dump water into the ground without knowing where it goes - especially when you are near very steep hillsides.
33.	12/19/2016	Paige Behrbaum	As you are reviewing and updating the residential development code, please consider not all residents view new development in neighborhoods as a negative. Many older homes do not have proper drainage and gutter systems to control water on impervious surfaces. New construction improves water drainage management and often puts power underground. Many 1960s and older homes do not accommodate today's families' lifestyles - more people working from home, exercising and watching movies at home...life is different now and different rooms are desired by today's families. Renovating an old house doesn't always make sense. Also, I hope the building code won't be overly restrictive compared to Bellevue and other cities, making it difficult for buyers to use their property as they wish within reasonable city rules. Tree removal should not be overly restrictive since large trees near homes can be dangerous in windstorms and families should be allowed to remove them if they are not comfortable with their location relative to their new homes and bedrooms. Neighborhood consistency should not be a factor when the neighborhood is possibly outdated and the whole concept is subjective and should not be codified. We have witnessed trees fall in our neighborhood, and gutters fall off of homes or break so that water just runs off a property into the neighboring property - in these cases updated construction would have been a blessing.
34.	12/20/2016	Sheila Wheeler	This has been a unique area--parkland forest and a sense of village/community. Low density, no mega houses on smaller lots, and low-rise have a part in this. It should not go in the "Bellevue direction" or Seattle high density direction as our unique character is then lost. If anyone wants that for the future, move there. There are a lot of areas doing that alternative...help yourself to an alternative--a good one, but in no way with the special quality of our Island!
35.	12/20/2016	Michael Fink	I think that much of the development happening in the island is changing the character of the city for the worse. It seems like all applications for deviations for things like impervious surface coverage are rubber stamped by the city. Instead of it being an exception to being granted it is the norm. In many cases trees are not protected at all. I have seen many year downs and lot splits where the land is essentially clear cut changing the feel of the neighborhood forever. Also the size of many new houses is too large for the lot and surrounding neighborhood.
36.	12/20/2016	Sue Stewart	Lot size needs to allow for mature trees. Loss of privacy due to mega homes requires buffer landscaping with the cost to the developer. Watercourse definition needs to tighten up...rain gardens bring mosquitoes and lake contamination. Traffic issues need critical addressing-solutions. Coval property review -ultimately a disaster as accepted.
37.	1/1/2017	Sarah Fletcher	<p>I am writing to you because I do not understand your process or why you are not adhering to the Code and I am using the Sub15-001 Sub-Division as an example of what is not right.</p> <ol style="list-style-type: none"> 1. There was a Notice of Public Application for sub-dividing two plants into three in order to build 3 houses, a few of us commented, some of the comments when it came to the Record of Decision were ignored and the Arborist's Report was inaccurate. I went to the City to inform them of the mistake, but I was told that I would have to pay \$875 to appeal the decision. For a start, there should be no fee and if the arborist makes a mistake on marking up his Arborist Report, I should not have to pay to query his error and if I do have to pay to appeal, and it turns out that the arborist did, in fact, make an error, I should be refunded my money. 2. Then, the developer was given a demolition permit. Demolition should mean demolition, it should not mean bringing in a whole ton of fill dirt or whatever rocks and soil is called. There should be a completely separate permit for anyone should they want to bring in fill dirt, that they are given a reason why they need to bring in fill dirt, how much, and whether it has been tested for contaminants, and if the fill dirt needs to have a retaining wall built to make sure that it does not cause problems with the adjacent development. 3. In the Record of Decision, it stated that the developments would be 30ft above the average foundation level which is too vague because now there is a problem in that had the fill dirt not been brought in, the foundation level would have been in line with the neighboring development, but now that they brought in so much fill dirt, it has caused the average foundation level to be 12ft higher. The City needs to explain how they get to the average foundation and there needs to be some code that does not allow a development's foundation level to be higher than the adjacent condos or homes like ours. Any foundation higher than our condos is going to cause our condos to be dwarfed. What code can you bring in to address this major issue? 4. The City should make the developer remove the illegal dirt fill and that is where there is a problem. The City refuse to make the developer remove the dirt fill, the foundation level is too high, again, the City are refusing to make the developer lower the foundation level. And as far as the developments themselves, they were supposed to be 30ft above the average foundation level, but now the City is allowing the developments to go up 35ft to 36ft above the average foundation level and are ignoring the neighbors. This is not fair nor is it right. 5. So where does that leave the neighboring condo owners/renters? They can't say or do anything because not only are they up against the developers, but they are up against the City who are not acting in our interests. 6. And as far as the foundation level, no-one from the City has come to the property and had a meeting with any of the adjacent homeowners. Nor has there been any mediation talks. 7. And there is a Sequoia tree which is classified as a landmark tree which under no circumstances should be removed, but there is a disconnect in that in the Record of Decision and in the Arborist's Report and as part of the demolition, all efforts were made to ensure that the tree did not get removed and the roots did not get damaged only to find that now, the third house is going right where the Sequoia tree is placed and now, apparently, the Arborist has produced a subsequent Arborist's Report to have the Sequoia, a Landmark tree removed, as well as some other trees. Again, the City

	Date	Name	Comment
			<p>are not doing anything to make the developer either develop around the tree like he is supposed to, and nor is anyone overseeing the Arborist to make sure that he doesn't just permit trees to be cut down. It is totally unacceptable.</p> <p>I just ask for fairness. We cannot move the neighboring condo or make the foundation level higher, whereas the developer with his subdivisions can make the foundations where they are supposed to be and make his houses no taller than the 30ft height. And there has to be not only a Notice of Public Application for the allowance of the subdivision, but there has to be a Notice of Public Application for what the developer is planning with the developments. And should the neighboring condo owners/renters' views be compromised in that as things stand, they are going to lose their views of lakes and mountains and in all probability, the developments are going to make it awfully dark for them.</p> <p>And lastly, because there might be a problem with so many cars so close to the neighboring development, a traffic study needs to be implemented to make sure that putting three developments with additional cars might cause an air quality problem with the car fumes coming into the neighboring condos or into the new developments' homes.</p> <p>So will you please bring the developments into line with the average foundation level being the average foundation level, with the height not being taller than 30ft tall, and no more trees being cut down, not even a branch and the Arborist needs to still produce a report showing where all the other trees that were previously removed under the last owner are replaced immediately before any new development commences. None of this is too much to ask. If the developer cannot adhere to the code, then he should not be allowed to build. It is not complicated.</p>
38.	1/2/2017	Sheryl Morelli	<p>We are unable to attend upcoming community meetings, but wanted to express our family's thoughts on Mercer Island Residential Development Standards.</p> <p>We are concerned about the increasing number of homes being torn down by developers on the island, often replaced with multiple large homes which are completely out of scale for the lot size. Further, we are concerned about the continued variances the city is granting developers, allowing for construction of these homes.</p> <p>We are concerned about the environmental and community impact of the above construction trends. The average price and size of homes on Mercer Island continues to increase, pricing many individuals and families off of the island. A healthy community consists of a varied housing market; accessible to new couples, young families, growing families and aging/ retired families (including aging individuals). All are vital to a healthy, diverse community. Further, we are concerned about growing trend of foreign investors purchasing homes on Mercer Island which then remain vacant. In addition, we are concerned about the impact to Mercer Island schools and infrastructure with the current unchecked growth of our population supported by current housing trends.</p> <p>We strongly urge the Mercer Island government to consider updating current residential development standards to support policy which better reflects our diverse community and ensures that it continues to thrive for generations to come.</p> <p>Our family has lived on Mercer Island for more than 40s, we hope it remains a community that we will want (and be able to) to reside for the next 40 years.</p>
39.	1/3/2017	Anonymous	<p>Part 1: Building Height Home heights should be limited to 10 feet over the house(s) next to it.</p> <p>Part 2: Tree Protection Trees over 3 feet wide should never be cut down. They should be protected.</p>
40.	1/4/2017	Barbara Shuman	<p>We need to update our standards for residential development. We are living in a constant demolition/construction zone with the same going on both sides of our street, 4 in one block bounded by 32nd and 36th (no other cross streets) . I suggest that the number of constructions going on within one block be limited. It is total destruction of our neighborhood, 5' setbacks, 30' walls, all trees removed, etc etc.</p>
41.	1/10/2017	Thomas Alexander	<p>Deviation to the Maximum Impervious Surface Requirement code suggestions:</p> <p>1) Do not include slopes greater than 20% in the available area calculation. Then, limit the Maximum lot coverage to 30% of the area that is left for single-family residential property. 2) Do not allow an additional 5% deviation. It now seems that it is a given that the developer will be given the extra 5%. We need smaller homes instead of the giant boxes now being approved, which are destroying the character of our Mercer Island neighborhoods.</p>
42.	1/10/2017	Thomas Alexander	<p>Suggestions to improve small around table discussions:</p> <p>1) Each participant needs a name tag with his name, if he is a Mercer Island resident, and if he has a conflicting interest other than being a resident. 2) Each participant should introduce himself at the being of each discussion period giving the above information to the table.</p>

	Date	Name	Comment
43.	1/10/2017	Thomas Alexander	<p>Tree Code Suggestions:</p> <ol style="list-style-type: none"> 1) Silt and Tree Protection fence placement will be enforced by the City before development can commence. <u>No activity</u> on a job site should be permitted until the City Arborist has inspected (to approved drawings) and approved the fencing installation. Any unapproved movement of fencing will cause a week stop work order and a fine of \$1000 being levied by the City on the contractor. This “fine action” is encouraged by the Western Washington Storm Water Manual and is now common disciplinary action taken by other municipalities. 2) All evergreen trees larger than 25” DBH shall be retained during tear-down and remodel developments. 3) 50% of all evergreen trees larger then 10” DBH should be retained during tear-down and remodel development. 4) On previously undeveloped lots at least 50% of the evergreen trees over 25” DBH shall be retained in addition to all trees on steep slopes. 5) On previously undeveloped lots at least 50% of all evergreen trees over 10” DBH shall be retained in addition to all trees on steep slopes. 6) An analysis of proposed removal trees on previously undeveloped property will be conducted to minimize the potential for wind throw when the undeveloped property and surrounding properties tree’s constitutes a larger tree grove. This may govern both the size and design of any proposed development due to safety considerations. 7) All cutting of trees over 25” DBH on developed property shall be justified by the property owner to the City Arborist. “To improve the view” will not be a justification for tree cutting. 8) All evergreen trees larger than 30”DBH on developed property will be retained by property owners unless they are deemed dangerous by the City Arborist.
44.	1/10/2017	Thomas Alexander	<p>Yard Size and Set Back Code suggestions:</p> <ol style="list-style-type: none"> 1) New developments, teardowns, and remodels should blend into the existing neighborhood and not be much more massive than the other neighboring properties. 2) Deviations on setbacks should not be given if the property is large enough to accommodate the minimum setbacks. 3) Setbacks should be in proportion to the setbacks of the neighborhood properties. 4) Perhaps there should be a different set of setbacks to match each neighborhood characteristics. Some neighbors would have larger setbacks, some with smaller to match the character of the neighborhood.
45.	1/10/2017	Thomas Alexander	<p>Building Height Code suggestions:</p> <ol style="list-style-type: none"> 1) Residential houses should be limited to two stores plus a basement. 2) Not roof observation deck should be allowed which lets residence to look down on surrounding properties.
46.	1/11/2017	Scott McRae	<p>Mercer Island is a diverse community of individuals with a myriad of needs and wants. We have all seen these manifested in a variety ways over the years and especially with architectural trends in the development of our Islands single family homes and multifamily homes. Each trend has resulted in small groups that do not like a particular style, or manner of architecture.</p> <p>In the past during the morning coffee clutches, or over the fence commiserating, folks complained or grouched about their disdain of said trend du jour, but eventually accepted the change and moved on. This time there is a small contingent which has become very vocal and organized about their discontent with the current trend, but do they speak for the majority?</p> <p>As someone who is 3rd generation of the First Hill neighborhood, and having grown up in what is now a hot bed of dissent with current trends, I will admit that seeing the houses of my childhood friends torn down to accommodate someone else’s vision of the perfect home is hard...but I am a realist in that change is part of our daily lives and our community.</p> <p>That said, we are in my opinion starting down a dangerous path of potentially hasty and ill thought out changes to our building codes...changes that are potentially destined to impose this small vocal groups vision and ideals upon us all.</p> <p>I realize that the builders in the course of their business have to a degree brought this upon themselves, but are not totally to blame. A portion of blame lays in a permitting system that has many exploits inherent in it, and staff that oversees this process that most likely has not adequate resources to be as exacting as we might all wish. And lastly, are the people that are objecting to change seeing it as their right to impose their ideal of their neighborhood on everyone else coming in? It very much feels that way.</p> <p>The framework for building regulation is beaten up and mangled right now, but is the framework broken as it is currently written? No, I feel the system is just in need of stronger oversight and adherence to the already existing standard. The stripping of home owner’s rights to enjoy their property to highest and best use is being threatened with the current batch of proposed modifications along with property values, and the realizing of maximum equity to the homeowners will be egregiously eroded...especially for our seniors looking to use their equity nest egg for downsizing and retirement.</p>

	Date	Name	Comment
47.	1/12/2017	Kurt Wilson	The City's FAR is too restrictive. Make similar to Bellevue. Bellevue has other formulas such as 2nd story set back 5' along side property lines and or an 8' set back with 10' up at property line with a 45 degree angle needs to clear the roof. Mercer FAR is 40% Bellevue is 50%, plus Bellevue has the other optional exemptions Delete eaves from impervious calcs. Allow infiltration to offset impervious areas. Don't get caught up in keeping with the character of the neighborhood. With progress comes change and neighborhood enhancements. As it becomes unaffordable for old housing stock to remain due to land values, change should not be restricted in a manner that takes away property value from one who desires to sell for redevelopment because the new rules and regulations are very costly to comply with as well.
48.	1/12/2017	Carolyn Boatsman	<ol style="list-style-type: none"> 1. I favor the increased setbacks between houses. The table you've provided is good. 2. Accessory buildings: I favor Concept A in which the size of an accessory building is limited to 25% of the allowed gross floor area but it is not super important to me. I favor Concept B the height limit on accessories because I think it looks obtrusive to have a couple of very tall, very skinny structures on the parcel. I would prefer a max height of 20 feet but anywhere in the range of 5 to 22 feet is also OK. 3. I favor eliminating the impervious surface area, fence height, and house size deviations. I would favor modifications to the setback requirements in order to preserve trees. The latter, unfortunately didn't seem to get much positive review in the group I was in re: trees and I think was widely misunderstood. 4. Very interesting to see our construction hours lined up against other cities! What were we thinking?! Was anyone thinking at all?! I go with Issaquah M-F 9 to 6. Saturday 9 to 5. Sunday and holidays not.
49.	1/13/2017	Steve Jensen	Increase FAR, see Bellevue's Code. Allow infiltration to offset impervious areas, 2nd option, pervious concrete or asphalt. Delete Eaves from impervious calcs, at the least 2nd story Eaves and minimal cantilevers. . Allow Infiltration in lieu of on site Detention Reservoir.
50.	1/16/2017	Carolyn Boatsman	At an early December Planning Commission meeting, one of the Commissioners expressed concern that many comments were from people who live on First Hill but that that these comments might not be representative. This is a reasonable concern. I would like to correct the impression that the group of people who are coordinating their effort all live on First Hill. For example, three of the nine who endorsed the attached comments do not live on First Hill. One third of the attendees of a meeting in the First Hill neighborhood on December 6 and attended by City staff were from elsewhere on the Island. Finally, the petition submitted to the City Council in January 2016 had been posted on Next Door and was supported by 175 people from all over the Island. It's helpful to briefly look again at the comments of those who signed the petition while we are in the midst of a process to amend the code. I've attached them for your reconsideration. The concern regarding loss of neighborhood character, overly large houses, and loss of trees is widespread on Mercer Island.
51.	1/16/2017	Carolyn & Mark Boatsman Erik Jansen Charles Zwick Elizabeth Malone Lynn Hagerman Sue Gross Dave Menz Mark Coen	<p>We appreciate the City's commitment to seeking public input regarding possible amendments to residential development standards. We're concerned though that that an important component of the process to obtain that input may not be providing the City with the informed input that is needed. We refer to the public meetings at which attendees can provide input in small group settings, most notably the meeting on January 11, 2017.</p> <p>The problem is that options for amending the code were provided to attendees, who were immediately asked to register their opinions in small groups. Many attendees said that the options were too complicated or they didn't have sufficient background to quickly take a position. Some options that were not well understood seemed to generate a defensive reaction. Perhaps what one doesn't understand, one is unlikely to support.</p> <p>It is possible that the excellent work by staff to date in preparing options could be diminished by an ineffective "roll out" to the public.</p> <p>The meeting was unnecessarily unpleasant and stressful. It put attendees on the spot for snap judgements about complex issues about which they have little knowledge in an atmosphere of controversy.</p> <p>A method that would address all of the above concerns would be for City staff to present and explain the options being considered at the beginning of the meeting. Subsequently, attendees could visit stations for discussion about specific topic areas. Stations could be manned by knowledgeable staff. An onsite survey could be offered in which individuals could make their preferences known. In the course of such an event, attendees would become reasonably aware of the variety of opinions in the room, which seems to be a goal of the current process.</p> <p>Also frustrating last night was that some of our note takers, though City staff and well intentioned, were not very knowledgeable about the topics, nor did some of them keep the conversation on track. Groups tended not to complete their task, i.e. provide comments on a slate of topics. It was evident that, in some cases, note takers didn't accurately record and express attendees' views.</p> <p>We recommend meetings that inform and offer attendees an easy way to share their views directly rather than via a note taker. This will give Islanders the best result.</p>

	Date	Name	Comment						
52.	1/16/2017	Listed in "Comment" to Right	Mark Coen	Mercer Island	WA	98040	United States	1/13/2016	Resident interests in preserving neighborhood character and tree protection should be reflected in city codes and council decisions regarding property subdivision rather than developer interests
			Allison Hughes	Mercer Island	WA	98040	United States	1/13/2016	I want to save our neighborhood integrity and the trees
			Caroline McCullam	Mercer Island	WA	98040	United States	1/13/2016	I see the character and attractiveness of our neighborhoods being ruined by usually ugly and inappropriately-sized new houses.
			Jack McHale	Mercer Island	WA	98040	United States	1/13/2016	Do not want MI to look like Federal Way.
			Larry Sarchin	Mercer Island	WA	98040	United States	1/14/2016	The code really needs a thorough review to eliminate the byzantine exceptions that allow outside houses with too much paved area that trash the character of Island neighborhoods.
			Mark Boatsman	Mercer Island	WA	98040	United States	1/15/2016	I'm here so I won't get fined.....
			D Menz	Mercer Island	WA	98040	United States	1/15/2016	Character and health of neighborhoods and effectiveness our drainage systems (to not pollute the lake) has a lot to do with greater retention of the large healthy trees which are coming down so fast now and are not being replaced.
			erik jansen	Mercer Island	WA	98040	United States	1/15/2016	I agree with the facts, spirit and challenges of the problem. Mercer island must not be overwhelmed by developer's short-term and absentee needs.
			Suzanne Davis	Mercer Island	WA	98040	United States	1/15/2016	We need a building code that works for the character of a neighborhood and limits the size and scope of new builds on a lot. What ever happened to permeable surfaces?Over-sized houses with concrete up to the house on too small lots. It isn't working with this homes that are too big for their lot.
			Lori Wisenteiner	Mercer Island	WA	98040	United States	1/15/2016	I want to preserve the character and health of our MI neighborhoods. Change the code.
			Barbara Winkelman	Mercer Island	WA	98040	United States	1/15/2016	The City has done a poor job of insuring that its infrastructure can withstand the construction it allows
			Salim Nice	Mercer Island	WA	98040	United States	1/15/2016	The City has chosen to ignore most of the protections provided under the Growth Management Act, including impact fees, while adopting almost every pro-growth, high-density aspect of the legislation. It is time to align Title 19 of the Mercer Island City Code with the aspirations and expectations of the citizens of Mercer Island.
				Mercer Island	WA	98040	United States	1/15/2016	Our neighborhood is becoming like a development by Jaymarc! We are losing our trees and landslide danger is frightening. Mega houses are closer

Date	Name	Comment
	barbara shuman	to the street because shorter drives =more impervious allowed in the house construction. We need to be heard!
	Jim Shuman Mercer Island WA 98040 United States	1/15/2016 This issue is critical to maintaining the character of our neighborhoods on Mercer Island and needs to be acted on ASAP by the City Council.
	Tinya Anderson Mercer Island WA 98040 United States	1/15/2016 There needs to be a reasonable compromise. This is absolutely possible. It's not about us vs them.
	Kristy Nice Apex NC 27502 United States	1/15/2016 As a former resident of the area with family who still reside on the Island, I want my grandchildren to grow up in a community...it appears that the his sense of community is threatened by unrestrained and thoughtless growth.
	deborah ehlers Mercer Island WA 98040 United States	1/16/2016 We need to preserve our quality of life on this special island. That means keeping trees, tailored development, and no more mac mansions squeezed onto tiny, now treeless, lots.
	morrene jacobson mercerc island WA 98040 United States	1/16/2016 We need standards that preserve the character of the island, leaving room for open space and trees on residential lots. We need to protect the environment by strictly limiting the impervious surfaces on lots. And we need to see to it that the new guidelines are respected, rather than being circumvented by easily-granted variances and deviations.
	Martha Cramer Mercer Island WA 98040 United States	1/16/2016 The attractiveness of our island is being destroyed by large houses overwhelming the lots. Please change the code.
	Muffie Cohen Mercer Island WA 98040 United States	1/16/2016 I want to preserve the character of this special neighborhood
	Melody Smith Mercer Island WA 98040 United States	1/16/2016 Unhappy with the City Council decisions on density and building heights.
	Jennifer Buckmiller Mercer Island WA 98040 United States	1/16/2016 I'm signing because I would like to see the new homes being built reflect better the size of the existing moderate-sized homes. Larger square footage can be realized through designs that are not huge block faces which have started dominating First Hill. All we see is "house" without much thought put into interesting landscapes and height variations of the homes. The new homes are consistently big block faces which seem excessive.
	Conner Webster Mercer Island WA 98040 United States	1/16/2016 As a 3rd generation Islander who has lived here 33 years, I do not like the direction that Mercer Island is heading. Green space needs to be retained and even grown - not cut down.
	Mercer Island WA 98040 United States	1/16/2016 To protect the character of the city's neighborhoods, and prevent what appears to be runaway, inconsiderate development that lacks justification for too numerous variances to existing codes.

Date	Name	Comment
	Richard Phelps	
1/16/2016	Nancy Spaeth, RN Mercer Island WA 98040 United States	Zoning on residential construction needs to be changed. The houses are too big and the yards are too small. Too many trees are being removed.
1/16/2016	kelly Evers Mercer Island WA 98040 United States	The integrity of the Island is being pushed in the direction of Coney Island without Lou Reed. No soul.
1/17/2016	Tom Acker Seattle WA 98118 United States	This is the one issue all candidates agreed on during the election. Not sure why some have flipped on campaign promises. Mayor Bassett said in the Seattle Times he supported Town Center Density because he didn't want it in the neighborhoods. What's happened.
1/17/2016	jonathan fox Mercer Island WA 98040 United States	I agree completely
1/17/2016	Anne Swofford Mercer Island WA 98040 United States	We lived through the tall skinny developments in Seattle - it isn't pretty. Let's do whatever we can to protect the Town Center, our schools and our community.
1/17/2016	Sara Vallerie Carole Mercer Island WA 98040 United States	Big houses are pricing out families with modest incomes.
1/17/2016	Clarke Mercer Island WA 98040 United States	Our neighborhoods need protection now; they are more important than the town center. Please act!
1/17/2016	BARON DICKEY Mercer Island WA 98040 United States	BECAUSE THIS IS VERY IMPORTANT AND URGENT
1/17/2016	Ron Malayesta Mercer Island WA 98040 United States	I want a moratorium and now high rise and bldgs set back from sidewalk to have open space.
1/17/2016	Charles Zwick Mercer Island WA 98040 United States	This is not a new concern and will not go away. Delay in addressing it does not benefit First Hill residents or the city.
1/17/2016	Jude / Jim Mitchell Mercer Island WA 98040 United States	I don't believe our elected officials and city employees have the best interest of our citizens
1/17/2016	Daniel and Emily Thompson Mercer Island WA 98040 United States	I am signing because the issue is urgent and the Council will not act unless it believes a majority of Islanders support code changes and enforcement to prevent out of scale construction.
1/18/2016	Wallace Mercer Island WA 98040 United States	To protect the character and integrity of our neighborhoods and business areas.

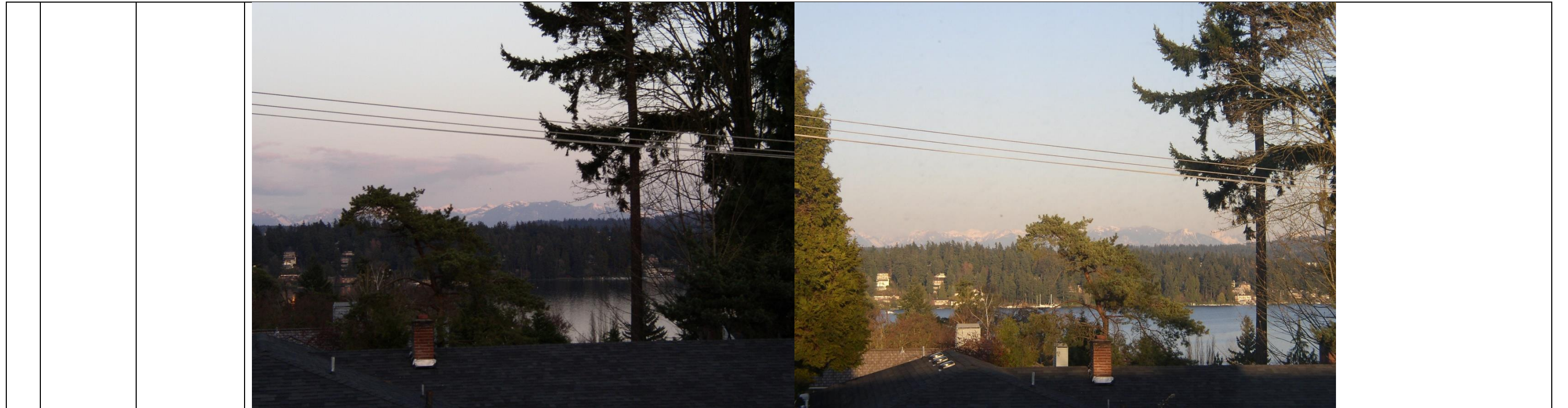
	Date	Name	Comment			
			Tomy			
	1/18/2016	Lisa Koper	Mercer Island	WA 98040	United States	I think that we should protect the character of our neighborhoods. There are too many subdivisions of lots I am dumbfounded that the city allows wholesale granting of permits to be issued for residences that clearly go against the stated Land Use Plan. The plan is not based on an arbitrary aesthetic, but rather on promoting the sustainability of the environment and life on Mercer Island.
	1/19/2016	Teresa Magaram	Mercer Island	WA 98040	United States	This is important. Why are City Council members sitting on their hands while the neighborhoods are being undermined?
	1/19/2016	Beverly Bridge	Mercer Island	WA 98040	United States	I'm concerned about the character of the Island- seems like exceptions are being made to allow these huge homes.
	1/19/2016	Vickie Carper	Mercer Island	WA 98040	United States	A big ugly monster house is being built next to me. its overbuilt (7 bathrooms) for the lot. Its replacing a picturesque log cabin.
	1/19/2016	DrStaten Medsker Jr	Mercer Island	WA 98040	United States	I'm new. Sounds like a fair request. I'm interested in how Title 19 got passed in the first place if this is the case.
	1/19/2016	Hans Andersen	Mercer Island	WA 98040	United States	Agree 100% with sentiments expressed in this petition - we moved to MI three years ago because of the unique character of this place and contrast to Seattle and other overly-built-up suburbs. It saddens me to think that MI is headed the same direction
	1/19/2016	Fletcher Sarah	Mercer Island	WA 98040	United States	People are buying the current houses for the land only to bulldoze the current houses in order to build large, out-of-proportion houses for the lots and the new houses might have flat roofs and can build higher in order to get a view, but it spoils the area when all the surrounding houses have sloped roofs such as on 72nd Ave SE and all these things contribute to the neighbor-hood losing its character and look. In some cases, neighbors' views of the lake and mountain are allowed to be replaced with views of huge houses bunched together and views of lots of parked cars which seem to come with new developments/sub-divisions. I feel that people that are allowing mega-houses to be built on small lots, three houses on prior two house lots, and six story condo and apartment buildings are transforming Mercer Island into a luxury island that lacks character and healthy genuine community. Long time Mercer Islanders who wish to downsize are finding it difficult to do so on the island and younger families are not able to afford to live here. I moved to M.I. for a multigenerational neighborhood, safety, yards for children to play, and neighbors to interact, our schools, parks, and the community interaction. I
	1/19/2016		Mercer Island	WA 98040	United States	


	Date	Name	Comment
		Priscilla Feathestone	am a parent and teacher. I do not believe children should grow up in an all inclusive community of the same economic level, and the life style of many with sizable resources, etc. This is not the real world. Please think about the island that you have been changing. It is impacting our schools, businesses, and the lives of residents and our future generation.
	1/20/2016	Hollern Victoria Mercer Island WA 98040 United States	I am tired of big houses being allowed on small lots. They have no yards and are not in character of the neighborhood.
	1/20/2016	Matt Pritchard Mercer Island WA 98040 United States	The trend of houses too big for their lots is upsetting the character of neighborhoods for the maximization of developer profits and contributing to making the island fit only for a certain exclusive type of owner. We urgently need to discuss the value of constructing over sized houses on undersized lots. This is destroying the look and feel of our neighborhood and is not an improvement for M.I. citizens or the wild life that shares our space.
	1/20/2016	Sandra Andrews Mercer Island WA 98040 United States	
	1/20/2016	Jan Hauge Mercer Island WA 98040 United States	As a Mercerwood resident, I am concerned about the pressure from builders to ruin our neighborhood with cheesy McMansions.
	1/20/2016	Trudi Wright Mercer Island WA 98040 United States	The developers are ruining our residential areas with McMansions which are poorly designed and unsightly.
	1/21/2016	Rick Nagel Mercer Island WA 98040 United States	For the very well-articulated reasons presented with the petition.
	1/21/2016	David Nagel Mercer Island WA 98040 United States	It is important to protect Mercer Island from self-interested developers and politicians who together profit from degrading the Island's environment -- without even consulting its residents.
	1/22/2016	Sc Condiotty Mercer Island WA 98040 United States	House size needs to be in proportion to landscape. Trees and vistas are lost in the re-definition of a single family home.
53.	1/17/2017	Bev Miller	I work for a builder that builds on Mercer Island. From what I hear and see currently at our work place, our business on Mercer Island will be impaired if this code change passes. At this time, I am trying to explain to clients that we cannot pay what we originally offered in 2016....we can safely (?) pay about 15% less today. They can't quite wrap their heads around that and think we are trying to manipulate market with a "lowball" offer. We can foresee a market slow down in our company which is incredulous given the real estate boom in the area. There are lots of people that will be affected by this code change and it means a potential loss of jobs never mind the loss of property values. Please put me down as a no for the code change or just make a note that this will have further consequences than just smaller homes.
54.	1/20/2017	Rose	I must sell my home because of my health. I need all the money so I can live in senior home. They are very expensive and it is all I have. Don't make my home cheaper. My home is old and not for a family but a builder. My neighbor sold his house and got lots of money. I want the same money. If you make changes – this won't happen.

	Date	Name	Comment
55.	1/20/2017	Michael & Suzanne Medeiros	I have been speaking with builders regarding selling my old and tired home.... value is in the property, not the home. I have been planning to sell in a year or two to coincide with my retirement with these forecasted code changes I will be forced to sell TODAY to get the most value. If I sell in a year or so I have been told by buyers that my property value will be LESS. That means realistically I can't retire when I planned to. This affects my retirement and my pocket book. I really don't want a building code change.
56.	1/20/2017	David Y.	As an investor and landowner on Mercer Island, I am feeling the pinch of dealing with the city hall and permits already. It has just gotten more difficult in the last year to get anything done in a timely manner. I understand you are busy and there have been staff changes and retraining. It all means money out of my pocket at the end of the day. NOW you want to devalue my investment property with a restrictive new building code. I bring business to this community. I create jobs and employ people. I sell to families of substance. I implore you to not change the building codes.
57.	1/26/2017	George Smith	RE: FAR Reduction Ten years or so ago, an Economics professor at UW calculated that the costs of land use and building regulations added \$200,000 to the cost of each house. The builder next to me has spent over one-half million dollars in site preparation before he erected one 2X4. My house, built in 1968, exactly 50 feet away with none of these excesses, hasn't moved an inch. Moral? MI's outrageous building codes have created the "McMansion" forcing builders to use every square foot of permissible lot coverage in order to obtain a reasonable return on investing so much money in a residential lot. Solar panels? Residential sprinkler systems? Low flush toilets? Affordable housing? Don't your "Greenies" realize the incongruities? I, too, have an investment property that figures significantly in my retirement portfolio. Reducing the FAR will adversely impact my property's value. Your proposal is capricious, a sop to the very few who loudly whine. Leave the FAR where it is. Drop the solar requirement. Quit the social engineering. Get the building department off the backs of the builders.
58.	1/29/2017	Richard Granshaw	One of the goals of the Planning Commission is certainly to keep Mercer Island neighborhoods livable, attractive and up-to-date. However, this is a moving target. There is a decades-old drive towards larger and more light-filled homes. In addition, the Seattle area has been fortunate to become markedly more prosperous over recent decades due to the growth and success of Boeing, Nordstrom, Microsoft, Amazon, other smaller companies and the biotech area. Mercer Island has long been seen as one of the most desirable places to live in the Seattle area, especially with the excellent public schools, and as a consequence there is a lot of money chasing the limited amount of spacious housing with up-to-date amenities. To maintain its place among other competing high-end neighborhoods, Mercer Island should encourage the upgrading of its housing stock however it can. Remodels are usually cost-prohibitive for the limited benefit they give, so the Planning Commission needs to be supportive of the demo/rebuild process and the quantum leap in building quality that this provides. At the same time, residents in older homes need to be shielded from some unwelcome impacts of the new housing. As buyers are generally seeking much more spacious homes than they were a few decades ago and lot sizes generally remain the same size, it appears counter-productive to reduce the floor area ratio from 45% to 40%. It's possible that a limited application of the Daylight Plane concept could be used to reduce the overshadowing of older houses in the worst cases, but in general it appears more important to allow houses of sufficient size to be built. Eventually, one would expect most of the older homes to be replaced, and once sufficient newer homes are built, those newer homes will be side-by-side and the overshadowing effect goes away.
59.	1/31/2017	Sue Medeiros	My goal was to live here for another couple years and then sell our house to a builder which is what is happening to our smaller/older homes on the block. I loved living here for 20 years but the floor plan and the house is too small. In addition, the poor quality in which it was built makes it not worth remodeling. Yet with your changes you are proposing, I am having to sell my property this year because the changes you are proposing will affect the property value in a negative way for me. I am not happy because it seems like the city is trying to regulate the market which is hurting me. I am now going to have to sell to the builder before I really wanted to get the price I need to secure my retirement. It does cause a lot of trouble for us. Now if I was going to live here another 10 years, then I wouldn't be paying attention to these changes. But because of the value impact, I need to move now due to the Potential value which can be lost with these proposed residential changes.
60.	2/4/2017	David Yeh	We are very concerned about up coming proposed Residential Code Change by City of Mercer Island or any residents on Mercer Island. We are totally against such a code change. The reason for us to against such a code change are as following: 1. The code change is against the current residential trend or house trend on the market. All the buyers want to have a new house build above 4,000 SQF or bigger. Very few new residents on Mercer Island wants to have smaller house with a big yard, although a big yard was popular 40 years ago.

	Date	Name	Comment
			<p>2. Reducing the FAR from 45% to 40% will totally wipe out or eliminate all the new construction on Mercer Island until the market can adjust to this change, it may take 5 to 10 years for the market to accept these new changes. That is not good for the business and economy on Mercer Island. It is only benefit to a small group of residents, but benefit for most of residents.</p> <p>3. Reducing the FAR will keep around the fixer/blue tarp properties that does not fit the modern or new housing market or housing trend any more. New buyers do not want these old style of houses, the new buyers feel the old style of house are out of date and disconnected to their current and modern life. Another reason is to keep these old style of houses around, it will cost a lot of money to keep the maintenance going, the electricity, the sewer line, the energy efficiency are all out of date, they waste a lot of energy than the new houses. Old house are not GO GREEN! They are energy suckers!</p> <p>4. To reduce or discourage new development on Mercer Island will make the city get less income on construction permits and it will also make Mercer Island disconnect with modern city like Bellevue. This will discourage young buyers to buy houses on Mercer Island.</p> <p>Any proposed change of code must be balanced and not only favor older residents and discourage young residents or young buyers.</p>
61.	2/13/17	Sarah Fletcher	<p>Thank you for putting these graphics together. They are very helpful.</p> <p>I would like to comment as follows:</p> <p>1. I favor Plan B. I would like a development be approved on a case-by-case basis in that let's say, there originally was a single story home, and a developer wants to come in and build a two-storey home, but in doing so, he raises the foundation level to a higher foundation level, plus he builds up two storeys (20ft, plus a 5ft appurtenance), a house that size with a higher foundation could block the neighbors' views completely. How can this be addressed?</p> <p>2. With regard to the daylight plane, obviously, it is better to allow more light, but again, this has to be on a case-by-case basis in that if all the houses on the street have sloped roofs, and a developer wants to come in and in order to get a view for his customer, he will want to build a flat-roofed, taller house for that lot, it can ruin the whole area which is what can be seen on 72nd Ave SE on First Hill. This should not be allowed to be done again.</p> <p>3. What is more important - appeasing developers or appeasing neighbors? What are Mercer Islanders' values and the City's? The values should govern.</p> <p>B. Trees and Vegetation.</p> <p>1. It should refer to all trees regardless of construction or not</p> <p>2. It should not be that a developer has a laissez-faire attitude in that they can have as many trees cut down on a lot as they want. As many trees should be maintained as possible. If you have an orchard consisting of hundreds of trees, that area should be maintained as orchard area and not be allowed to be turned into a huge development in that changes the character of the neighborhood. And the idea that the developer can cut down as many trees as possible and the arborist allows bushes and shrubs or small saplings to be planted in their place should not be allowed. If you have a larger setback, that would help with preserving the trees to a degree.</p> <p>3. A critical tree is a critical tree. There is a large Sequoia tree that they want to cut down for a development. This tree should be preserved at all costs. The developer, if he cannot build around the tree, then he should not be allowed to develop on that particular site. You can't replace an old tree with a few trees. It is unique to the property.</p> <p>4. I don't quite know what I am looking at. I will say that what gives Mercer Island its uniqueness is that if one travels from Seattle to Mercer Island, if you look at the houses, they tend to be camouflaged by the trees which should stay that way. There must have been something in the Code that made developers retain the trees.</p> <p>5. As long as "high-quality landscaping" does not involve the use of chemicals to maintain the high-quality landscaping. If maintaining the high-quality landscaping does involve the use of chemicals, then there should be a law banning the use of chemicals.</p> <p>C. Site and Process.</p> <p>1. I do support wider setbacks. It is ridiculous that houses have to be built so close to the next house. There should be at least a minimum of 15ft between each side, not 5ft each side.</p> <p>3. They need to disallow deviances and variances to the Code. This will make it much easier for the Development Team and Arborist and take the pressure off them. The developer needs to modify a setback in order to preserve trees, in particular, critical trees.</p> <p>4, Impacts of Construction. This is very important.</p>

	Date	Name	Comment
			<p>I would please ask that you adopt Bellevue's Construction Hours in that they have had lots of construction going on and the construction crew still managed to get their developments done. Just so that you are aware, because of where we live, we will be surrounded by construction as follows: On the east side of us, they are going to be building three houses, to the west of us, the North Enatai Sewer group will be installing their sewer pipes, and to the south of us, we are going to have to deal with Sound Transit's construction. It would, at the very least, be of benefit if you brought in the same Code as Bellevue's, such as:</p> <p>Bellevue Monday – Friday 7:00am - 6:00pm Saturday 9:00am to 6:00pm Sunday and Holidays No construction</p> <p>We will need some reprieve from all the construction noise which is anticipated with all the various projects that are coming up.</p> <p>And just one more thing, there was no mention of developers bringing in fill dirt or dirt fill. That is causing all kinds of problems. I am attaching a photograph which shows you what bringing in fill dirt can do to a foundation level. It can raise it so high that should any house be built on top of that dirt fill, it could cause neighbors' views to be obliterated which is not fair. I am also enclosing two photographs which show the current view of lakes and mountains which will be lost and will affect the value of the neighbors' properties. How can the new developments be considerate of the neighbors' views?</p> <p>And one last thing, if there are subdivisions, shouldn't their need to be a traffic study done?</p> <p>Thank you for your consideration. I hope this is of help.</p>



	Date	Name	Comment
			
62.	2/17/2017	John Herzog	<p>I've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Please DO NOT move forward on new single-family zoning limits that address the concerns of a vocal minority at the expense of all other homeowners. Mercer Island's Residential Development Standards are already fair! This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. I strongly advocate for denial of the proposed zoning changes.</p>
63.	2/17/2017	Shawn White	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
64.	2/17/2017	Sophie Wu	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p>

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			Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
65.	2/17/2017	George Yang	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
66.	2/17/2017	Selena Famularo	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
67.	2/17/2017	Chad Badziong	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
68.	2/17/2017	Terry & Daphne Donovan	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
69.	2/17/2017	Jo Ballantine	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
70.	2/17/2017	Michelle Mancusco	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
71.	2/20/2017	Michelle Cartmel	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
72.	2/20/2017	Dodi & Rachael Nov	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.

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73.	2/20/2017	Cara Perla	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
74.	2/20/2017	Don & June Samuelson	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
75.	2/21/2017	Debbie Schwartz	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
76.	2/21/2017	Daniel Schwartz	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
77.	2/21/2017	Chris Blakeslee	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
78.	2/21/2017	Kent Rowe	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
79.	2/21/2017	Janice Casserd	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
80.	2/21/2017	Sarah Fletcher	With regard to: 1. Modify the side yard setback to require that the side yard setbacks cumulatively equal 17% of the lot width for lots over 90 feet wide. Retain a minimum dimension of 5 feet." Could you please change the "Retain a minimum dimension of 5 feet" to "15 feet?" When houses get built so close to each other, that can block a neighbor's view.

Date	Name	Comment
		<p>I don't understand your permitting in that if it states in the Code and in the Notice of Public Application, that the height is to be 30ft, 30ft is 30ft, but then I will be told, it is going up to 35ft And the same with the "average foundation level," on each application, the developer needs to state clearly which levels are they using as the average in that on the lower street, the ground level is lower than at the higher street, but that the side street's street level is the average level or the neighboring condos. The current language is too ambiguous. And if the "average foundation level" is too high by 6 feet too high, how can the neighbors have a chance to appeal?</p> <p>"3. Lot coverage." There should be a limit on how much cement driveway in proportion to the house in that if the neighbors.</p> <p>5. With regard to the proposed Tree Ordinance:</p> <p>"Adopt more specific and predictable tree retention standards for new construction and significant (> 500 sq. ft.) remodels and additions. a. Tree permit is required for removal to allow for tracking of retention. b. Significant tree is a 12" diameter at breast height (DBH) evergreen tree and an 18" DBH deciduous tree. c. Requirement to retain 30% of significant trees. d. Exempt "weed" tree species (e.g. cottonwood, alder, etc.) from permit and retention requirements."</p> <p>Could you please change the "Significant tree DBH back to 6" diameter at breast height (DBH) evergreen tree and to an 6" DBH deciduous tree. That was what it was before and I checked other neighboring cities, and they have 6" diameter. I don't know why you want to change this.</p> <p>And with regard to "C". Significant trees should be retained at all costs, not "retain 30% of significant trees." It is like you deliberately want to change the tree ordinance to allow a lot of felling and that should not be what Mercer Island is about. Construction should be built around the trees, that sort of thing.</p> <p>"e. Prioritize retention of large, healthy trees. f. Establish specific tree protection standards. g. Specify replanting ratios and allow for a fee-in-lieu of replanting."</p> <p>You can't prioritize retention of large, healthy trees in one sentence and in the next, talk about allowing for a fee-in lieu of replanting." "g" is a terrible idea. Allowing a fee in lieu of replanting will mean nothing to a big developer who stands to make a lot of money from developing the property and selling it. The same for a rich person purchasing a property. It the idea is to put them off from cutting down a tree, that is not the way to go about it. What is a few thousand dollars to a developer when they stand to make millions? A developer is just in the business of making money, he doesn't have to live in the neighborhood, whereas, we do. Make it a crime to cut down a tree and if they do, they will have to pay compensation and replant the same amount of trees on that property, and contribute money to the Parks' fund.</p> <p>I don't see anything about clear cutting. Clear cutting should not be permitted on property prior to development at all and especially not on a hillside which is what happened on the hillside behind Mercerdale Park.</p> <p>Developers should not be allowed to just cut trees for no reason except to give the new home owner a view. If a tree is not in the way of construction, but that the new homeowner just wants a view, then, the arborist could suggest pruning measures, but he should not give a permit for the trees to be cut down in that if new homeowners don't like the trees, they should not come and live on Mercer Island. The trees are what gives Mercer Island part of its charm.</p> <p>The Code should make it that if anyone wants to cut down any tree on their property not for development that they need to notify the City for a start But the thing is, the arborist can just give a permit. How does one curtail this and take the pressure off the arborist in that he might feel pressured into giving the permit because of the costs involved and he doesn't want to have to be the one to have to scupper their plan for a multi-million dollar development? Could the arborist just suggest pruning?</p> <p>And for a sub-development, as an example, the arborist allowed over 60 trees to be cut down, but there was no follow-up, hence, only half the amount of trees have been replanted (going on 10 years) and now, there are more subdivisions, and the arborist not only did insist on the trees being replanted, but then went and allowed even more trees to be cut down. There has to be a plan for where the replacement trees are to go, what type of trees should be replanted, how many. This Arborist Report should be issued at the same time as the development and the trees should be planted by the end of the construction.</p> <p>And once the Notice of Decision is given which included an Arborist's Report, that should be that, the arborist should not be allowing more and more trees to be cut down after the Notice of Decision. The Notice of Decision should be final.</p>

	Date	Name	Comment
			<p>The owner of the subject lot shall take necessary measures to ensure that supplemental trees remain healthy and viable for at least five years after inspection by the City and the owner shall be responsible for replacing any supplemental trees that do not remain healthy and viable for the five years after inspection by the City. This happened with the Utility Company. They just planted some trees and they did not put fertilizer or anything and within a year, the trees just died.</p> <p>"14. Building Permit Process. Public Notice, Public Input, and Right to Appeal." I was not happy with this process in that when I looked at the Public Notice of Application, I didn't know if I was looking at the plats or the houses that were to go onto the plats. It wasn't clear. Then, when it came to my comments during the time period between the Notice and the Record of Decision, I had some questions, but they were ignored? Are those questions to be included in the Record of Decision or is it only for within the 14 days that one has to respond to the Public Notice of Application. And, when it came to the Record of Decision, there were some discrepancies, but it would have cost me \$850 to appeal, when all I had was some questions with regard to the Arborist's Report? I should not have had to pay to appeal, that should be free.</p> <p>And the confusion is that the Application was just for the plats, the Record of Decision came out for the plats, but then, they added another cement driveway to the original Plan and this was added after the Record of Decision. There needs to be another Public Application for the proposed houses to be built in that if the foundation level is too high, if the height is too high, if the neighbors' views will be blocked because there is not enough room between each subdivision, what can the neighbor do or you do?</p> <p>12. It sounds like a boarding house more so than a residence. Is there anything that stops one from them using that 12-bedroomed house as a boarding house?</p> <p>I was very happy to see that you are proposing changing the Construction hours. That is huge. Thank you very much.</p>
81.	2/21/2017	Andrea Saal	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
82.	2/21/2017	Russell Benaroya	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
83.	2/21/2017	Leslie Shtabsky	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
84.	2/21/2017	Sam LeClercq	<p>We've heard that the City is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This down-zone would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth - resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
85.	2/21/2017	David Brondstetter	<p>I think the 45% lot coverage is fine. Not sure why anyone is up in arms about it? I've got a number of new houses going up in my neighborhood. All of them are replacement houses for 1950s and 1960s houses. Yes, the new ones are bigger, but so what, families moving to the island want a bigger house and most of the new houses look much better than the ones they replaced. The yards are better kept and they are not eyesore many of the older houses have become.</p>

	Date	Name	Comment
			I fear that moving the GFA from 45% to 40% will slow much of the new housing development leaving run down and ill maintained homes to slip further into disrepair as it won't be financially viable to buy and replace those aging homes at 40% coverage. I would submit that very few "nice" houses are being torn down. It's the ones that you're happy to see go that are getting the blade.
86.	2/21/2017	Carolyn Boatsman	<p><u>Impervious surface area limit deleted</u></p> <p>I am not in agreement with the Planning Commission's (PC) decision to do away with the impervious surface limit. This goes against the City's intention to encourage Low Impact Development as stated on the City's webpage devoted to this intent. Mercer Island, in this case, has a more effective regulation than surrounding suburban cities that don't establish an impervious surface limit. The goal of LID is to allow rainwater to infiltrate the ground, the key strategy being the reduction of impervious surface. This mimics the natural hydrologic regime, recharging groundwater that discharges to streams during the drier months, providing wildlife habitat, and preventing erosion associated with peak flows. Retaining site vegetation is another key strategy. This once-in-decades opportunity to update the code should be taken to consider integrating all aspects of LID.</p> <p>There seems to be an interest in encouraging single story homes. Has this interest been balanced against environmental concerns? A 30% landscaping requirement for the front yard is woefully insufficient. The rest of the lot may be pavement and other hardscape. What a step backwards for Mercer Island.</p> <p>I don't think that proposed tree preservation standards will in an indirect way result in sufficient green space. Many lots have few trees to preserve. Furthermore, we are seeking a code that more clearly gets at its goals rather than indirectly. Please keep the impervious limit but please do delete the 5% deviation.</p> <p>Here is a link to the webpage on the City's website re LID: http://www.mercergov.org/Page.asp?NavID=2660</p> <p><u>Reduce the burden of invasive plants in City forests</u></p> <p>The City pays contractors to remove invasive species in forests. Citizen groups also do this backbreaking work. Invasive species are established, in most cases, when birds eat the seeds and deposit them in the forest. This code update offers a rare opportunity to include provisions that reduce the problem of invasive species in our urban forests, including English ivy, English holly, English laurel, and European mountain-ash.</p> <p>Strategy: For species listed as 1) Non-regulated Class B and C Noxious Weeds; and 2) King County Weeds of Concern: Do not require a permit for removal; and Prohibit the use for replacement trees and landscaping, where regulated.</p> <p><u>Preserve native species; Increase the use of native plants in landscaping</u></p> <p>Native plants are adapted to our climate and need little water and no pesticide to thrive, conserving water and limiting nonpoint pollution to streams and Lake Washington. Birds obtain food and habitat from these species to which they are adapted. The code update offers an opportunity to preserve the current extent of native species by requiring replacement of native species with native species. A percentage of required landscaping should consist of native species. Incentive approaches should also be used to encourage native species.</p> <p><u>Preservation of exceptional trees and clusters of trees</u></p> <p>We should incorporate a provision in our code to preserve exceptional trees. A definition should be included which denote these trees by species and size. An incentive approach could be used whereby replanting requirements could be reduced for developers or homeowners who preserve these trees.</p>
87.	2/21/2017	Cristi Duea	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
88.	2/22/2017	Bree Medley	<p>I was talking with Linda Pineau regarding permit extensions and she mentioned that City Council will be restricting construction project expirations and limiting to one year extension, period. If projects are not completed, new applications may be required and will be required to meet whatever codes are in effect at that time. I am wondering if there is further information about this and when the meetings will be held to discuss this issue, or if there are update email lists that I can be added to?</p>
89.	2/22/2017	Alice On	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>

	Date	Name	Comment
90.	2/22/2017	Edward Mills	We have heard that the city is considering drastic limitations on the amount of square footage a land owner can build on his property This is grossly unfair and is a taking without compensation. Please do not move forward on zoning restrictions advocated by a few at the expense of property owners.
91.	2/22/2017	Michelle & Jay Shleifer	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
92.	2/23/2017	Stuart Sulman	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
93.	2/23/2017	Steve Curran	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
94.	2/23/2017	Derrick Schwartz	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
95.	2/23/2017	Mrs. Scott Majury	Without a link to lot size and home size, the code means nothing. Arguments promoting homes with huge square footage confuse greed with necessity. Supposedly, we all moved here or want to because of the gorgeous environment. So is the desire, as realtor Alan Hovespian suggested, for residences to feature home theaters, gyms, dual master bedrooms, et cetera, more essential than preserving the environment? Should more profit for home sellers and realtors justify demolishing small homes and replacing them with giant ones on small lots? Do we want to swallow up our precious environment in this way? Perhaps we all need to look in the mirror and see how our actions today affect the Island's tomorrow.
96.	2/23/2017	Jason Koehler	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
97.	2/23/2017	Scott Rockfeld	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
98.	2/23/2017	Jim Stanton	The city should encourage smaller residences on the north end. As it is now, many older citizens who have raised their children in neighborhoods within walking access to elementary schools and IMS are unable to downside to the north end. Why? Because developers have first access to small houses or lots on the north end and build much larger houses on them reducing the inventory of smaller homes. This hurts the city because larger houses within walking distance of schools are being occupied by empty nesters without children. The new, larger homes on the north end are generally in locations that require motorized transport to schools thereby increasing traffic congestion on the Island. Recent city decisions actively work against smaller homes on the north end, such as the decision to reduce the number of

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			homes to be built on the Coval property. The city zoning should actively encourage town homes with common areas toward the north end. This would improve support of city center businesses, reduce traffic congestion, take advantage of light rail's possibilities, while opening up the south end's wonderful possibilities for families.
99.	2/23/2017	John Hall	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p> <p>You can't legislate good design!</p>
100.	2/23/2017	Todd Anderson	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth — at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair — and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
101.	2/23/2017	Sue Stewart	<p>Regarding Residential development changes:</p> <ol style="list-style-type: none"> 1) A much stricter review of watercourses is critical. The Coval property was changed from watercourse to rain garden. It is now a mosquito ridden swale in the summer. A breeding ground for mosquitos in the era of the Zika virus is not acceptable. 2) Impervious surface areas limits are necessary – don't remove them...limit impervious surface areas in all new construction. The runoff is detrimental to Lake Washington. 3) Tree easements at the Coval property have been destroyed. All tree easements should have third party protection – the best would be our city protecting them! 4) Significant trees should be identified and preserved. The Moody property at 3005 84th has some wonderful trees that should be identified and preserved. The Coval development overseen by Wes Geisbrecht is the perfect example of what should never be allowed again. All significant trees will be gone. 5) Green buffers that serve as privacy buffers should be required of all developers at their cost. Huge homes with multiple windows looking into existing homes is not acceptable. 6) Review and approval of large green buffers – particularly along utility easements should be required and approved or denied by the city staff. 7) When neighbors request meeting with developers...the developers should meet. Wes Geisbrecht just says no...and the city has notified neighbors there is no recourse. 8) The traffic review of the Coval 16 home development now being built by Windsor Homes said there would be 6 cars at peak hours leaving the development and yet they're building 16 homes with 3-4 car garages. Be more sensitive to traffic in residential areas. <p>Please proceed with real changes to keep our water clean and free of runoff and erosion. Runoff from my neighborhood runs right into the south wetland of Luther Burbank Park. Please take readings of that water quality!</p>
102.	2/23/2017	Horace & Mary Hall	<p>We have heard the city is considering drastic limitations on the amount of square footage a single family owner can build on their land. This downzone would truly and severely limit property rights for owners and restrict our ability to obtain a fair market value for many a property.</p> <p>Advocates for this dramatic change would like to see a stop to new growth on the Island... all at the expense of restricting property rights.</p> <p>Mercer Island's R/D Standards seem fair and we support keeping them that way. Please do NOT move forward on new single family zoning limits that address the concerns of a few at the expense of all Property owners and Homeowners.</p>
103.	2/23/2017	Joe & Andrea Arnold	<p>We are 30+ year residents of the First Hill neighborhood and are very concerned that a "passionate few" are trying to steer the direction of the residential development process to limit what can be built in the future. We own a small home on a large lot - a lot which we have beautifully maintained, including planting many trees and vegetation over the years, and of course have paid taxes on the property. We believe that any attempts to create new restrictions on size and type of homes will negatively impact us and our rights as property owners. In fact, we believe this discussion and the concern about new</p>

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			<p>regulations will push a number of residents in similar circumstances towards selling their property now before new restrictions become reality. We are concerned about the character of our and other neighborhoods and strongly urge you to vote to uphold the current Residential code and eliminate the opportunity for the DSG to allow variances as they have been doing.</p>
104.	2/23/2017	John Casserd	<p>I have heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island’s Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p> <p>I am a real estate broker with John L Scott Real Estate since 1982. I grew up on Mercer Island. I have family on Mercer Island that would be directly affected by these more restrictive development standards. The current development standards are protecting neighborhoods on the Island very well and don’t need to be changed.</p>
105.	2/23/2017	Laura Alexander	<p>I am not in favor of downzoning the area that homes can be built on. I disapprove of the idea of only being able to use 40% of the buildable lot size. I am a home owner here and have lived on MI since I was 2 years old. (1962) I see the need for the older homes to be replaced with newer homes and agree with using as much of the land as each individual homeowner/builder wishes to use. I would be very disappointed if my land value decreased because some residents do not like the bigger homes. It's what's coming and and I would like to protect my investment without the fear that regulations could be put in place to my disadvantage.</p>
106.	2/23/2017	Michael Fay	<p>I have recently been informed that the city is considering increasing the limitations on the amount of square footage a single-family owner an build on their land. This potential downzone would severely limit property rights for owners and restrict their ability to obtain fair value for their property in the event of a sale of the property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth - at the expense of restricting property rights.</p> <p>Mercer Island's current Residential Development Standards are already fair and I support keeping them as is.</p> <p>Please do not adopt any new restrictive single-family zoning limits that address the concerns of a few residents at the expense of all the homeowners living in Mercer Island.</p>
107.	2/23/2017	Tatu & Tuuli Saloranta	<p>We recently became of the project (via its opponents bulk mail). While we are relatively new homeowners on the island (although residents for past 10 years), the problem of too big houses on small lots is close to our heart and is one of main concerns regarding Mercer Island.</p> <p>We think that the current development practices (of oversizing houses built to maximum allowed by law) are detrimental to actual values of Mercer Islanders and that stricter limits on maximum allowed size (and perhaps various other zoning aspects) are very welcome and desperately needed.</p> <p>Given this, we fully support the Residential Development Standard Update.</p> <p>In addition to this general feedback, here are notes regarding questions of a questionnaire related to project (that was helpfully mailed to us as well):</p> <p>1. Should the goal be retaining traditional scale or should we recognize the fact... Do you support the use of these tools?</p> <p>Yes. we think that simple and straight-forward formulas make sense and keep the playing field level. This could also help restrain the escalation in both house sizes AND prices: as-is, developers will keep on maximizing amount of square feet per house. Limits could help convince developers to consider sizing more carefully, possibly offering more reasonable priced (bit smaller) houses.</p> <p>40% limit seems reasonable, especially when ensuring that waivers are not granted by simple requests (currently it appears they are easy to get for smaller lots).</p> <p>2. Use of "daylight plane" -- Do you support the use of this tool.</p> <p>Yes. It is important to also consider appearance of bulkiness, above and beyond basic footprint. This tool could be a reasonable way to add limits but retain some flexibility in how to achieve less bulky appearance.</p>

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			<p>3. Importance of property value, cashing out</p> <p>Sale price can not and should not be the main measure of value of a home. You can't eat, drink or breathe money. Livable environment matters.</p> <p>As importantly, value (both external and internal) of a house derives much from WHERE house is -- houses on Mercer Island are highly prized due to good livability, school system, location, and none of these would be detrimentally affected by reasonable additional limits.</p> <p>In fact it seems that livability could be improved (or at least maintained) by trying to avoid over-sizing of the single-family houses built.</p> <p>So we are not concerned about potential (but by no means guaranteed) short-term effects on house prices.</p>
108.	2/23/2017	Dan Thompson	<p>I have given a lot of thought to what I call "Maxim's Residential Development Code", because that is what it will be because our planning commission and council are deferring to you and <i>relying</i> on you to come up with the concept and code language to satisfy their promise to the citizens and neighborhoods first made in 2014 for <i>immediate</i> relief from residential development the citizens rightfully see as abusive because they never saw it before 2012, and the code hasn't materially changed since 1992. If we blow this last chance there is basically zero chance the citizens will vote for one, let alone two, property tax increases, at which point you will be the last remaining employee at the DSG. Land use is politics, and politics is making the voters/citizens happy. We don't pay a fortune in salaries and benefits for a DSG to protect the developers.</p> <p>There are two problems in meeting the council's promise to the citizens: 1. the already filed and vested permit applications since there was no moratorium during the code rewrite; and 2. the holes in the current draft of Maxim's residential code.</p> <p>MAXIM'S RESIDENTIAL DEVELOPMENT CODE</p> <p>I will begin here. I appreciated your earlier, more elegant approach using house footprint as the primary tool, but apparently our PC didn't quite understand that, and it has been abandoned in the "parking lot". Basically what we have now is our current code that the citizens and council indisputably believe is allowing abusive development but with a 5% reduction in GFA/lot ratio and no impervious surface limits.</p> <p>The roll out to the council had two glaring flaws: 1. developers are not going to build single story houses on MI because a. they haven't in over 20 years, because b. it is not economical. The absence of any impervious surface limits on its face called into question the legitimacy of the code rewrite, and concerned a number of council members who didn't even read or understand the draft code provisions. What they did read and understand they didn't like, or worse trust.</p> <p>IS limits are going to be part of any code -- especially one that resembles our current code -- whether the IS limits are included by the PC or the council upon adoption which would be embarrassing to you and the PC. One of the main points of my request for these council study sessions is so you and the PC are not blindsided and embarrassed by the council during adoption as occurred during the town center code adoption.</p> <p>If the PC really believes it can legislate single story houses even though they are less economical (and who wouldn't want to see more single story houses on MI on huge lots) it will have to tie IS limits to the proposed height of the house. It doesn't take a land use expert to realize if the height limit is 30' and there are no impervious surface limits houses are going to extend from the yard set backs and be 30' high. This would leave only the house GFA/lot area as the limiter, and our past DSG practice does not comfort me this will be property enforced. If a developer agrees to build a single story house then remove the IS limits, but only then. There must be some binding agreement and <i>ratio</i> between number of stories (including height, I don't want a 30' high single story house extending from the yard set backs) and IS limits.</p> <p>Which brings us to height. It comes across as disingenuous for the PC to first recommend reducing height to 25' to encourage single story houses, or less tall houses, but to then raise height back up to 30' after IS limits have been abrogated. Some, like me, saw a bait and switch, like maybe the developers got to our PC.</p> <p>Height should be reduced to 25' which is enough for a two story house with 10' ceilings and a five foot pitched roof. What exactly is the purpose or need for 30' of height except three story houses? It doesn't come across well when our PC publicly states it is encouraging single story houses when in fact all of their proposals are encouraging -- and more importantly allowing -- three story houses extending from the yard set backs. There has to be some public honesty to this process.</p>

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			<p>From what you told me the PC rejected a five foot increase in height for a pitched roof (when proposed maximum height was still 25') and an exemption in GFA for non-livable area within the pitched roof because it would influence design. But what are daylight planes that will create a wedding cake look on the side yards and no relief on the front or rear yards and have never been implemented in any residential code but design influences.</p> <p>I really think if we are going to go with the template of our current code, we should restrict GFA to 40%, eliminate all exemptions to GFA except for a pitched roof because of all the abuse of this in the past, reduce height to 25', and tie IS limits to the house and levels of the house.</p> <p>(Otherwise houses under Maxim's new code will either be larger or the same size as under the current code, and that is not what you were hired to do. The citizens could have just kept their current code, with Greenberg's interpretations, rather hire you to reach the same conclusion with pretty much the same template but without IS limits).</p> <p>Oh, wait, a reduction of GFA to 40%, reducing height to 25', and pitched roofs were your original plan that is reflected in the Jan. PC minutes. This is what I will be hammering on the council to adopt, whether the PC does or not, when it takes up the PC proposed code. This are very simple concepts I think even the council will understand and will adopt, and they will wonder if they are missing from Maxim's proposed residential code.</p> <p>Please forward this email onto our PC so they are not surprised or hurt when the council takes up their proposed residential code and modifies it, making the PC and DSG once again look like puppets of the developers.</p> <p>CURRENT PENDING PERMIT APPLICATIONS</p> <p>.</p> <p>The problem here is the current interpretation by our beloved DSG of the residential code allows what the citizens think is abusive development, and which the council promised to remedy immediately, certainly no later than adoption of Maxim's new residential code.</p> <p>My humble suggestion is the DSG figure out some way to get a code that was designed to prevent McMansions and did prevent McMansions for 30 years until 2012 to once again prevent McMansions. The other option is no property levy increases, which has the benefit to the citizens of limiting permit application approvals to the one remaining DSG employee, whoever that may be.</p> <p>Understanding your predicament, my suggestion is to ask the PC to refer AI 14-02 and AI 13 re: an exemption for celestial space to outside independent counsel who hopefully and probably will invalidate both, allowing the DSG to save face. Neither were ever reviewed by our city attorney or PC or council, and have enormous impacts on house area. I have long told our council it is foolish to expect the PC to save you, like Coval and so many other land use decisions that our poor PC didn't realize would end up before the council with hundreds of citizens holding pitch forks. (Thus our incredible turn over on the PC). If you wonder why Dan Grausz is so interested in this issue it is because he was on the PC in 1992 when the PC wrote the current code to prevent the development we are once again dealing with. Meanwhile since the council ultimately adopted our current code they wonder why they have to explain why they adopted such an abusive development code when they never did.</p> <p>Land use planners love to say land use has little to no discretion and little to no politics. Of course that isn't true, otherwise we wouldn't have the GMA, or Kittitas County, and PC members wouldn't send all those letters to the council whenever there is a vacancy on the council pointing how they stood up for regular citizens on the PC. If there were no discretion Scott Greenberg would not have been able to reverse 10 years of black letter authority on celestial space, and "deviations" would not have a 100% approval rate, and the citizens would not be so unhappy at a code they adopted 25 years ago to stop this kind of residential development, and we wouldn't have so many new PC members, and you and the PC members wouldn't be testifying in front of the council.</p>
109.	Barbara & Eli Lahav	2/23/2017	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth - at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>

	Date	Name	Comment
110.	2/23/2017	Lori Holden	<p>Mercer Island Residential Development Standards are already fair, I support not making any changes. Please do not move forward on new single family zoning limits that address the concerns of a few at the expense of all other property owners on Mercer Island.</p> <p>If those property owners who are proposing the changes in the development code would like to regulate their own properties, they can do so by placing restrictions on their title to accomplish this.</p> <p>This proposed change in the building code affects my rights as a property owner.</p> <p>At the very least it should be put to an island wide vote to determine if these restrictions reflect the opinion of the majority of Mercer Island residents.</p>
111.	2/23/2017	Roger Landberg	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
112.	2/24/2017	Jamie Kezner	<p>I have heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. I believe Mercer Island's Residential Development Standards are already fair – and support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
113.	2/24/2017	Thach Nguyen	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
114.	2/24/2017	George Bouvet	<p>Please do not limit the amount of Sq Ft a buyer can build on our property.</p> <p>The existing building rules seem fair to me.</p>
115.	2/24/2017	Makenzie Lacount	<p>Please do not limit the amount of Sq Ft a buyer can build on our property.</p> <p>The existing building rules seem fair to me.</p>
116.	2/24/2017	Melissa Hay	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
117.	2/24/2017	Amy Wolff	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
118.	2/25/2017	Jennifer Reibman	<p>I have heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p>

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			<p>Advocates for this dramatic change would like to see Mercer Island stop new growth - resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and I support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p> <p>We are already going to take a hit to home values because of the I-90 access issues. Please don't add to the problem.</p>
119.	2/25/2017	Shelley Boyle	<p>I am in attendance at the meeting but unlikely to make it to the mic.</p> <p>My issue is with flat roofed homes-nothing makes a building 'loom' like having no roofline-we would like this discussed in conjunction with the daylight plane setback issue.</p>
120.	2/25/2017	John Orehek	<p>I understand the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are generally fair – and I support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p> <p>Further, I remain interested in understanding evolving zoning issues in our MI urban area. Hopefully, they allow for the logical development of a premier MI downtown environment.</p>
121.	2/25/2017	Jeffrey & Kellis Borek	<p>As long time residents of the Island, we are concerned about the proposed limitations on the amount of square footage a single family owner can build on their land. We are counting on the equity in our home as part of our retirement nest egg as we look to the future, and therefore do not want to see these limitations put into place.</p> <p>We believe this downsizing represents the desires of a small but active minority who want to "turn back the clock" and are against progress/change. As such, we are taking the time over the weekend to inform you of our desire to maintain the current code.</p> <p>We are busy professionals, and were not able to attend today's Community Meeting. Never the less, we wanted to insure that our views are made know to the City. Please let us know what the outcome of today's meeting was, and any next steps from here. Thank you.</p>
122.	2/25/2017	Wanda Hughes	<p>Thank you so much for your informative meeting this a.m. on Residential Development Standards.</p> <p>I was so pleased to hear of the Planning Commission's plans to reduce the gross floor space from 45% to 40% of the lot, implementing a maximum house size, daylight plane setback and 30% tree retention.</p> <p>My husband and I have been so unhappy seeing the enormous houses being built on the Island with the trees almost completely gone.</p> <p>It is ruining our beautiful green Island and making it ugly!</p> <p>Cutback on construction times is also a very good idea. Thank you for working for us who have lived on and loved our island for so many years.</p>
123.	2/25/2017	Molly van der Burch	<p>Thank you for a well run meeting today. I appreciate all of your hard work and time to tackle this complicated issue and also to take into account public feedback. I live on First Hill at 3204 74th Ave SE. In the past 2 years, there have been 23 tear-downs and new construction within a 2 block radius of our house. Currently, there are 6 homes being built by JayMarc on our block, including one directly across the street. This has caused tremendous change in our neighborhood. I want to make the following points for your consideration:</p> <ul style="list-style-type: none"> • TREES I am a Master Gardener and knowledgeable about trees. Your proposed changes to require 30% of trees kept with a priority given to large, healthy trees are a good start, but they do not go far enough. Would you consider making the requirements reflect the size of the trees? For example, 30% of the trees 25" in diameter or larger need to be retained and an additional 30% of trees smaller than 25" in diameter would also need to be retained. These very large trees are essential to the eco system and to the visual quality of the island. Also, please be especially careful that the root space around these large trees that are to be retained is honored by the builders. The JayMarc house directly across from us did retain 2 large pine trees but then proceeded to cut into the roots to within 5' of the base of the tree in order to build the driveway. The two trees were so damaged by this intrusion into their root system that they subsequently had to be removed. What is your system for monitoring whether or not the builders respect the root base of these protected trees? Will the builder be penalized or have to pay a fee for this violation? Without monitoring, the new regulations will not solve the problem of protecting these beautiful large trees. • TREE PERMIT The proposed requirement to get a tree permit for removal of large trees was addressed today. This is of great concern to me as I think builders are blatantly abusing this. I totally support the requirement to get a tree permit to remove a tree from your property. My concern is, how will this new requirement prevent builders and homeowners from having their property clearcut of all trees prior to the construction contract? You seemed to state the most permit requests would be granted. What would be the conditions under which they would NOT be granted? I think it is important to spell those out. This would alleviate concern from those who don't want to get permits and might also hold the builders responsible. • LANDSCAPING The new proposed regulations require 30% of the 20' setback from the street to be landscaped. This is not nearly adequate to maintain privacy and the beauty of the neighborhood. This implies that the rest of the property could be hardscape — driveway, tennis courts, patio, etc. Please consider adding additional landscaping requirements.

	Date	Name	Comment
			<ul style="list-style-type: none"> • DAYLIGHT PLANE I am faced now with staring directly at the 3 story windows of the new JayMarc house. Before it was built, my back yard in our 1950s house was totally private. I think that the new idea of requiring the daylight plane is a good one as it will help to combat the brutal reality of staring at a huge and imposing wall that also blocks the sunlight and takes away your privacy. • EXTRA LARGE HOUSES I am strongly in favor of restricting the size of a house to the maximum size for that zone, despite the lot size. In other words, if an individual buys up 5 lots and wants to build a mega-house on those 5 lots, that should not be allowed. The size of the house would need to be the maximum size allowed for 1 lot, even if they have purchased 5 lots. • PROPERTY VALUES There was a lot of discussion about how the new construction will improve our property values. I would suggest that depends on the demand for the type of homes being built. All of the new homes built in our neighborhood in the last two years have been 4,000sq or larger. Most of the prices are in the 1-2.5 million dollars. No homes are being built that are 2500-3000sq and that are appropriate for down-sizing for baby boomers to “age in place” or that are ADA accessible. I think there is a HUGE demand for this smaller type of home, but no builders are building that type of house. So to argue that buyers only want these very large houses is not totally accurate. Any way that these new regulations can encourage builders to construct smaller homes appropriate for down-sizing would help preserve the original character of our neighborhoods and also provide diversity to these very large new homes. • Finally, I remain very concerned about the elimination of the impervious surface limits. You spoke today about trying to get at the problem by surface water managements, landscaping, and tree retention. I am not convinced that builders will be reduced to the current 40% impervious surface requirements by these strategies. I am concerned that the builders will find loopholes to get around these new ideas and end up with more than the 40% impervious surface.
124.	2/26/2017	Toni Okada	<p>I attended the 2/25/17 meeting and thank you for gathering comments from the public. I support the proposed changes for gross floor area with a cap, the daylight plane, preserving trees, and limiting hours of construction and permit extensions.</p> <p>I do think there could be some exceptions for very small houses as one of the speakers described. With the building of larger houses, there is less and less diversity of housing choices. The increasing property values, resulting in increased property taxes, is making it more difficult for retirees to remain in their homes or find smaller houses they can downsize to.</p> <p>I still have some concerns about there being no limits on impervious surfaces. I live downhill from a 5 acre plot where 16 houses are being built. Several cottonwood trees were cut down, as well as many orchard trees, before construction began. Despite the fact that there is some kind of underground tank to catch runoff, there has been an incredible amount of water coming down the open trench that flows along my street. The builders claim there is no watercourse on the 5 acres, but the neighbors disagree. While this project is already approved, I would like to see more assurance that water runoff will be addressed in the new regulations.</p> <p>No one has mentioned sustainability. Could there be some incentives for building to a LEED standard or reusing materials from homes that are torn down? This issue was discussed during revisions to the building code for the Town Center and sustainability is something Mercer Islanders value.</p> <p>Regarding process, the granting of exceptions seems to happen too frequently and with very little public input. Although I believe there is supposed to be an opportunity for public comment, it frequently is not known to the immediate neighbors. It is unfortunate that the incentive is to grant exceptions in order to make more money for the City.</p> <p>I like the idea of the 3-dimensional outline of the project before any building is approved. In addition, it would be great if the builders could meet with the immediate neighbors to discuss impacts and see if changes are possible. At least some builders are willing to do this and it does a lot for the feeling of good will.</p> <p>Thank you for all the work you are doing to improve the code and preserve the character of our neighborhoods.</p>
125.	2/26/2017	Nancy Kezner & Michael Krebs	<p>We’ve heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island’s Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
126.	2/26/2017	Alexis Rebenstein	<p>We’ve heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island’s Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>

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127.	2/26/2017	Cindy & Scott Rockfeld	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
128.	2/26/2017	Jim & Kathie Hood	<p>I appreciated attending the 2/25/17 community meeting. I wanted to submit a comment/proposal.</p> <p>Topic: Need for public-accessible, online "contractor complaint" tracking database system. For residents impacted by day-to-day contractor and developer jobsite safety violations and complaints.</p> <p>Our residence at 9315 SE 70th place was impacted by several significant PUBLIC SAFETY issues by Millad Development and MN Construction in our neighborhood during 2015 and 2016. In the first instance Millad Development had a toxic VOC chemical release that impacted our health and required us to file an insurance claim (still unresolved) against Millads contractor. The second instance with MN construction involved their cutting of our local telephone landline which - given poor cellular coverage in our neighborhood - cut us off from any ability to reach 911. Both of these are obviously PUBLIC SAFETY issues of consequence. When the events were reported to DSG the traction we received was negligible and as far as we could tell little effort was made by DSG other than generic advice (go hire an attorney, submit a complaint to the state or OSHA, etc). The reaction of DSG to serious public health and PUBLIC SAFETY considerations was underwhelming and seemed to be vastly in the favor on the contractor in all cases. There were other events by Millad (heavy equipment extended over our property and glass/debris outflows to our property which were also of concern and were documented with photos and insurance claims.</p> <p>Here's my proposal: DSG and the city should maintain a database ticketing system to track ALL complaints from impacted residents, businesses, or individuals. the database should include obvious features: a registered ticket complaint number, date of event, city employee in charge of investigating, outcome/resolution, financial fine or work stoppage outcome, prior complaints or "linked events" to state or federal agencies, impact (serious, medium, negligible), deployment of response and mitigation to affected individual AND to contractor, etc. The database should be online and easily searchable. Reports and metrics should be generated for obvious concerns: contractors with high ticketing complaint/event volume, high risk event summaries, fines and work stoppage summaries, links to state or federal actions related to the event, etc. I would not put DSG in charge of the project, my trust in them and Scott is quite low, perhaps another IT affiliated department could investigate feasibility. Finally, the planning commission should consume monthly output from the database and make it a standard agenda topic for all planning meetings.</p>
129.	2/27/2017	Rod Birkland	<p>We've heard the city is considering drastic limitations on the amount of square footage a single family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth-at the expense of restricting property rights.</p> <p>Mercer Island Residential Development Standards are already fair-and we support keeping them that way. Please do not move forward on new single -family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
130.	2/27/2017	Douglas & Susan Vosper	<p>We've heard the city is considering drastic limitations on the amount of square footage a single family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop growth - at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
131.	2/27/2017	Michael LaCount	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p>

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			Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
132.	2/27/2017	Mei Y. & Bao Zeng	We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.
133.	2/27/2017	Mason Helms	Please do not move forward on new single-family zoning limits that address the concerns of a <i>few</i> at the expense of <i>all</i> other homeowners.
134.	2/27/2017	George & Delores Smith	We've learned that the City is considering drastic limitations on the amount of square footage a single-family property owner can build on his or her land. This downzone would severely limit property rights for owners such as us and restrict our ability to obtain a fair value for a property we have owned since 1985. A handful of noisy and selfish people, led by Dan Grauz, want to stop property regeneration by restricting the amount of lot coverage and building bulk. The existing residential development standards are time tested, and are accepted by the building community. The onerous demands of the Development Department have driven the costs of site improvements to well over half a million dollars, forcing builders to use nearly every square foot of permissible lot coverage to recoup these costs. Deny these proposed changes advocated by the selfish few. The status quo works just fine.
135.	2/27/2017	Muriel MacFeidh	We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth--at the expense of restricting property rights. Mercer Island's Residential Development Standards are already fair--and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.
136.	2/28/2017	Mary Bahrami	I am depending on the sale of my home to fund my retirement. The proposed limit on square footage would unfairly affect my property values. Please do not rezone my neighborhood to limit square footage.
137.	2/28/2017	Rich Benjamin	We've heard the city is considering drastic limitation on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.
138.	2/28/2017	Kim Wegodsky	We've heard the city is considering drastic limitation on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights. Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.
139.	3/1/2017	Michael Schnad	We've heard the city is considering drastic limitations on the amount of square footage a single family owner can build on their land. This downsize would severely limit property rights for owners and restrict their ability to obtain a fair value for their property!

	Date	Name	Comment
			<p>Advocates of this dramatic change would like to see Mercer Island stop new growth at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair in this respect – and we support keeping them that way. Please do not move forward on new single-family zoning limits as proposed in these specific property limitations! They address only the concerns of a few at the expense of all homeowners.</p> <p>I do approve of limitations that would STOP the building of condos on MI. Those of us who have lived here for a long time (we bought our property in 1949) think you are ruining MI just so you can collect a little extra tax money. We prefer a few holes in the road to an innumerable amount of additional vehicles that are being brought to the Island with all these condos!</p>
140.	3/1/2017	Lenore Defliese	<p>Thank you so much for holding the community meeting at West Mercer last Saturday morning. I was there for about an hour and a half and found it most informative. Since I did not speak at the time, I am giving you my feedback in writing.</p> <p>In general, I am very supportive of the revised standards that you are considering. In particular, I like the idea of the daylight plane side setback and the increase in side yard setbacks on large lots. It seems that often, new development on the Island has not taken the impacts on immediate neighbors into account. While I understand the idea of property rights for those moving here, it seems that those already here should not have to have their property devalued when new homes crowd them in and make their homes less desirable. I also like the idea of proposing a maximum home size for each residential zone to prevent the construction of huge homes that are totally out of character with their neighbors (like the one under construction on 60th Avenue.)</p> <p>Regarding variances and deviations, I totally agree that they should be granted only infrequently, if at all. There is no point in having planning standards if they are violated on a regular basis.</p> <p>I was disappointed that the proposal did not include any regulations on measuring building height. The current height levels may be fine, but builders game them by regrading the lot prior to measuring. In the case of my next door neighbor, they brought in truckloads of dirt and raised much of the the lot level by about 3 feet before building. This enabled them to have a better view at the expense of the homes located above them on the hill. It also created a very steep slope down from their house to mine, which is difficult to keep landscaped, and creates water runoff problems onto my driveway. I suggest that the height levels be established by measuring both before and after regrading and then using the lower number.</p> <p>Finally, I wanted to make one suggestion re: construction hours. There should be short term emergency extensions on weekends or evenings (perhaps 48 hours or something similar) for emergency repairs that need to be made to keep a home from suffering water or other damage due to storms or other disasters. There are times when a blue tarp will not suffice because of high winds, etc., and a homeowner should not have to wait until Monday just because the damage happened on Friday night.</p> <p>Thank you for all the time and effort you are putting into this important commission.</p>
141.	3/2/2017	Chris & Jen Brenes	<p>We've heard that the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land, as well as restricting new home design. These restrictions would significantly limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – resulting in severely restricted property rights.</p> <p>Mercer Island's Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all other homeowners.</p>
142.	3/3/2017	Viola Shu	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights fir owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth - at the expense of restricting property rights.</p> <p>Mercer Island's Residential Development Standards are already fair - and we support keeping them that way. Please DO NOT move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
143.	3/3/2017	Laura & Ken Yocum	<p>We have attended one of the meetings re: the changes proposed to the existing Zoning for Single Family Property.</p> <p>This meeting was concerning in that at all of the round tables were "note takers" who were to stand and report the content of the discussions that occurred at their tables. Unfortunately, the end reports offered by note takers omitted many of the strong arguments for leaving the regulations in place "as is".</p> <p>Accurate representation of the impact this will have on Mercer Island properties and the immense adverse effects for property owners seems to have been diluted!</p> <p>Not only will this have a huge negative impact on property owners but will also have tax implications that will become apparent long-term.</p>

	Date	Name	Comment
			The current Residential Development Standards are already fair and we support keeping them as is. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.
144.	3/3/2017	Joanne Chapa	<p>I am writing in response to your invitation to attend public meetings on residential issues because I have been unable to actually attend. Please accept my comments below:</p> <p>-Myself and numerous Island residents have been upset by the many new, over-sized structures masquerading as residences which appear practically daily on the island. In sum, they look more like bloated mini-hotels that ruin views, block sunlight onto neighboring lots, crowd the look of pleasant streets, and risk turning the island into an urban mess of row houses popping up like elephants all over the Island. With rare exception, their architecture is bulky and ugly. They detract from the beauty of existing homes, are out of scale with these homes, and thus hurt property values. A fine, retro-fitted home has no value against a behemoth built where an older home was torn down simply because the only value was in the lot.</p> <p>-My family first came to the Island in the late 1940s; I moved here as a young mother in the 70s (away from the city) to enjoy the parks, schools, and graceful suburban atmosphere. I'm not against rational development, and am Ok with the new look in the business district, as long as it doesn't get too dense. However, our codes allow way too much re-development of lots (3'paths are not sufficient beside huge houses), and residents are bombarded with solicitations to sell all the time. Others pretend to not want guidelines on re-development for fear of loss of their property value, when the reverse is true for those who have to live nearby.</p> <p>-Our gorgeous canopy of fine evergreens is in particular danger. Not only do these wonderful trees clean our air, they support wildlife, and provide much needed shade on hot days. Black asphalt only adds to global warming, while our trees protect us. In my neighborhood alone, I can practically guarantee that a new home owner will first cut down a tree or greenery before any other landscape changes are made. They seem to have an irrational fear of anything over 6' tall falling. Couldn't the city provide some sort of an arborist-counselor who could help people make decisions about trees and protect our canopy in the process. It is scary to see lot after lot literally de-forested in order to construct some huge mansion for a family of 2-4 with a few bushes in front!!</p> <p>-Another issue is what appears to be absentee ownership. After all of the above has happened... de-foresting the lot, building the mini-hotel... then the windows are blinded, the lights go on travel mode, and the house stays dead. For what purpose? and not at all friendly.</p> <p>I shall try to make at least one of your public meetings. I support your new protective 40% gross floor area ratio, as well as the cap on the size of a home based on the zoning designation. These appear to be balanced proposals.</p>
145.	3/3/2017	David Chang	<p>Drastic limitations of the amount of square footage a single family owner can build on their land is unacceptable.</p> <p>The downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property</p> <p>Advocates for this drastic change would like to see MI stop new growth – AT THE EXPENSE OF RESTRICTING PROPERTY RIGHTS</p> <p>MI residential development standard are already fair!!</p> <p>PLEASE DO NOT MOVE FORWARD on new single family zoning limits that address the concerns of a few at the expense of all homeowners</p>
146.	3/4/2017	Doug & Kale Kim	<p>Just to let you know that we are homeowners on Mercer Island, and we oppose further limitations of the building footprints for residential housing. Our city needs to grow and change, and we are opposed to the proposed changes to the Residential Development Standards. They are already amongst the most detailed and restrictive in the region, and we don't need further impositions on what we can do with our own property.</p>
147.	3/4/2017	Vince & Keri Bailey	<p>I attended the public meeting on Feb 25. The proposed "Daylight Plane Setback" really seems intrusive to me. My home built in the 50s would not conform as it is, a daylight basement split level. Also the house to the north of me is three stories straight up and MI should at the very least let me match the height of my neighbors. Take a look at neighboring communities and see new construction you will see that MI is going overboard on these restrictions. On MI the city has allowed construction of these big box homes for many years, if a street such as 78th AVE already has big houses, how can MI restrict neighbors from the same opportunity?</p>
148.	3/6/2017	Martha Lammers	<p>We've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights.</p>

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			<p>Mercer Island’s Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
149.	3/6/2017	David Davis	<p>We’ve heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>Advocates for this dramatic change would like to see Mercer Island stop new growth – at the expense of restricting property rights.</p> <p>Mercer Island’s Residential Development Standards are already fair – and we support keeping them that way. Please do not move forward on the new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
150.	3/6/2017	Dennis Dahl	<p>One option often missed in a decision making process is to do nothing. I have no doubt that when our house was originally built the cabin owners were not happy with the changes they saw. And I will assume the discussion was not much different than what is going on today. A lot of people are simply resistance to change. And some like to close the door behind them. Once they have their large home, then they want to block others from doing the same. I would like to know the actual percentage of the M.I. population that are in favor of changing the code to restrict building size. Please don't let the minority rule. I have lived on M.I., in the same home, for 24 years. I enjoy the architectural diversity of the homes. I have lived in neighborhoods where if you are not careful you could come home to the wrong house as they all look alike. The crucial point to me is the ability to build MY house on MY property, using the architecture I like. I have to say that I do not care for the boxy style I see a lot of today but that is the owner's choice, not mine, nor should it be. The current codes have been working for a long time and are very similar to surrounding communities. I don't think there is a need to change them. Trying to reduce house size through the code will result in something else the complainers won't like and I am sure at some point they will want you to regulate the color of your house. Please don't change the structural part of the code just for the sake of change or at the request of the minority. The best option, in my opinion, is to do nothing, with the exception of working hours. I think limiting there is good for the peace and quiet. Thank You</p>
151.	3/6/2017	Leslie Meagley	<p>Thank you for the opportunity to comment on the proposed changes to the City’s Residential Development Standards. I attended the most recent two community meetings and applaud the thoughtful process that the commission has undertaken.</p> <p>My comments relate specifically to the need for trees and tree retention.</p> <p>We live on the South end of the Island in the Mercer Island Estates neighborhood. Like so many people on Mercer Island, we moved here 25 years ago for the life style, schools and park-like feel that came from the many beautiful mature trees throughout the Island. The proposed tree retention and landscaping standards relate to new construction, but not to existing homes. I would urge the Commission to consider the need for additional guidelines that relate to developed properties to retain the large healthy trees that make this place so special.</p> <p>In the past two years, we’ve been dismayed to see so many people removing large mature conifers – some clearly over 80 years old. This is due in part to new construction, but also to a troubling increase in the number of people removing trees as homes sell. Trees are disappearing even when our new neighbors do not launch remodels. The result is increased noise from I-405, open wind tunnels and shade loss. In our neighborhood on the south end of the Island, so many large trees have come down that this past summer the noise from 405 caused us to have to close our windows at night. That’s a first. We as a community seem to forget that these trees not only contribute to the health of our soil, prevent landslides and aid water drainage, but add significant value to all of our properties – https://www.arboday.org/trees/benefits.cfm. With regard to keeping 30% of trees on undeveloped land for new homes and large remodels, I would recommend increasing that number to 35 or 40% for the same reasons. After all, once these large trees come down, it will be another 80-100 years before they are back.</p> <p>Please feel free to contact me if you’d like any additional information.</p>
152.	3/7/2017	Ted Samuelson	<p>we've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This down zone would severely limit property rights for owners and restrict their ability to obtain a fair value for the property.</p> <p>Advocates for this dramatic change would like to see Mercer island stop new growth at the expense of restricting property rights.</p> <p>Mercer island's residential development standards are already fair and we support keeping them that way please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
153.	3/7/2017	Sue Samuelson	<p>we've heard the city is considering drastic limitations on the amount of square footage a single-family owner can build on their land. This down zone would severely limit property rights for owners and restrict their ability to obtain a fair value for the property.</p>

	Date	Name	Comment
			<p>Advocates for this dramatic change would like to see Mercer island stop new growth at the expense of restricting property rights. Mercer island's residential development standards are already fair and we support keeping them that way please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all homeowners.</p>
154.	3/8/2017	Bennett Williams	<p>Last night I began reading comments that you forwarded yesterday and found them very interesting. I have yet to begin reading the Council minutes.</p> <p>Many comments refer to "character change in a neighborhood". If this is in any code, could you please send a copy of the code?</p> <p>Secondly, many people were concerned about rising taxes due to increasing valuations some of which are rooted in the cost and expense of new construction com parables.</p> <p>Has MI ever thought about capping taxes for the elderly under fair system based on income.</p> <p>As an example, I am 73 and would probably qualify by age to have my taxes capped but I would not be qualified by income.</p> <p>That said, In would vote to have senior's taxes capped and pay more myself.</p> <p>The reaction, I think would be very favorable from seniors but resisted by the City Counsel because like most communities Mercer Island income barely covers it's costs.</p> <p>I believe that if the proposed ordinance passes that eventually income will be substantially diminished because the new, the young and the fairly wealthy will bypass MI and that property tax revenue will go down and therefore taxes will necessarily go up putting further financial pressure on those who can least afford it.</p> <p>The proposal in front of the City Council is very bad for seniors. They may be able to sustain their neighborhood character whatever that means but be forced to leave because of higher taxes, commensurate lower home values and therefore may not be able to enjoy their neighborhood because they are taxed out of their enjoyment.</p>
155.	3/8/2017	Alan Lippert	<p>I've heard that the City is considering "drastic" limitations on the amount of square footage a single family home can occupy on its plot. If those limitations result in decreased impervious surfaces, I applaud them.</p> <p>The downzone does not go far enough. The practice of giving 99% of the requests for impervious surface upward variances by the DSG must be halted. There must be and end to paving over our island, causing avalanches and flooding.</p> <p>The complaint that residents cannot receive fair value for their property is bogus. Property values on the island have tripled in the last 20 years. That is more than fair. Please do not pass any zoning limits that allow for the increasing the impervious surfaces of any residential homes.</p>
156.	3/8/2017	Meg Lippert	<p>I echo the sentiments of my husband, who sent you the email below. Bigger buildings on steep slopes not only sop up green space, but also lead to landslides and flooding as well as wasting our natural resources in material to construct them, and energy to heat and light them. My husband's email is quoted below, and I share his concerns as well as his request that you do not pass any zoning limits that allow for increasing the impervious surfaces of any residential homes.</p> <p>"I've heard that the City is considering "drastic" limitations on the amount of square footage a single family home can occupy on its plot. If those limitations result in decreased impervious surfaces, I applaud them.</p> <p>The downzone does not go far enough. The practice of giving 99% of the requests for impervious surface upward variances by the DSG must be halted. There must be an end to paving over our island, causing avalanches and flooding.</p> <p>The complaint that residents cannot receive fair value for their property is bogus. Property values on the island have tripled in the last 20 years. That is more than fair. Please do not pass any zoning limits that allow for the increasing the impervious surfaces of any residential homes."</p>

	Date	Name	Comment
157.	3/15/2017	Dan Grausz	I would be most appreciative if the Planning Commission could discuss the 2-garage/3-car space requirement in our existing Code. In our efforts to encourage smaller/affordable/senior/single level housing, I think we should be discussing whether the existing requirement should be modified for new construction of certain size homes. For example, would it be appropriate to reduce this from 2/3 to 1/2 for houses below 2,500 sq. feet in gross floor area?
158.	3/15/2017	Dan Grausz	Meant to also ask that the PC consider whether it might be appropriate to adopt for residential areas the Town Center height rules that we spent so much time working on last year - particularly the lesser of existing or finished grade provision that we added to the TC Code.
159.	3/15/2017	Carolyn Boatsman, Anne Fox, Jon Fox, Alan Lippert, Meg Lippert, Sue Stewart, TJ Stewart, Dan Thompson, Elizabeth Malone, Molly Van der Burch, Dirk Van der Burch, Dave Menz, Mark Coen, Monica Coen, Lynn Hagerman, Carole Clark, Deb Katz, Phyllis Chang, Riccardo Gusella, Rita Moore, Erik Jansen, Sigrid Hokanson, Ka Anderson, Susan Morrisson, B. David Williams, Lisa Li, Neile Grayson, Barbara Shuman,	<p>We, the undersigned residents of Mercer Island, support many of the changes being considered by the Planning Commission – and disagree with some. Having participated in the public process, listened to many viewpoints, and considered what other cities may be doing, we would like to offer the comments following. Thank you for your consideration.</p> <p>A. Calculation of Heights</p> <p>Follow the recently adopted Town Center approach in MICC 19.11.030(A)(3) which has at least three important differences from the existing Residential Code (MICC 19.02.010(D)):</p> <ol style="list-style-type: none"> 1. Height is measured from the “lower of existing or finished grade” 2. On a generally flat lot, the height of the building cannot at any point between the facades exceed the maximum permitted height 3. On a sloped lot, maximum height cannot be exceeded at either façade and the building must be configured to go down in height as between the higher and lower facades such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted height <p>In addition to the above:</p> <ol style="list-style-type: none"> 1. A rooftop deck should be assumed to be 5 feet high for purposes of height calculations. 2. Permitted appurtenances above the height limit cannot cover more than 5% of the roof and must be set back from the facades. <p>B. Very Large Houses</p> <p>We agree with current direction to limit house size based on underlying zoning. We recommend that the limit be 50% of the underlying zoning (e.g., 4,200 sq. feet in the R8.4 zone) rather than 60%.</p> <p>C. Impervious Surface</p> <p>Do not eliminate the existing impervious surface limits in MICC 19.02.020(D).</p> <ol style="list-style-type: none"> 1. These rules provide ecological benefits that are not addressed by MICC Ch. 15.09 (Stormwater Management Program). The Stormwater code adopts by reference the Department of Ecology Stormwater Management manuals. These manuals do not limit impervious surface but rather establish flow management and quality standards. 2. Limiting impervious surface is the most important technique in Low Impact Development, a set of approaches that are designed to limit runoff, and which are encouraged by the City Surface Water Management Program. Infiltration of precipitation reduces erosion and keeps creeks running in the dry season when the groundwater eventually makes its way to daylight on slopes in natural areas. Water in the ground is essential for wildlife and vegetation survival in the green belts during droughts. Infiltration also potentially recharges the aquifer that the City taps for the emergency well. 3. Impervious surface limits mean that a certain percentage of the lot will not be built or paved over ensuring substantially green landscapes on Mercer Island. It’s hard to imagine houses that would have a greater footprint than now, given that our existing impervious surface limits allow a larger footprint than many Citys’ building coverage standards. No impervious surface limit seems like a step backwards in our efforts to preserve neighborhood character. 4. The impervious surface limits should stay in MICC 19.02.020(D) rather than being moved to the stormwater code. They form, along with height, setbacks, and GFA, the basic parameters governing the scale of a new or remodeled house. <p>The Commission has indicated that a reason for eliminating the impervious surface limits is to encourage single level and ADA accessible houses, with the side benefit that such houses might also be smaller and less expensive. However, if the impervious surface limit is eliminated, they might not be smaller at all, just more sprawling. Targeted incentives could, instead, be used to encourage the desired type of houses. For example, an additional 5% impervious surface for a single level home or an additional 10% for a single level (ADA) accessible home could work towards the goal, so long as a recorded restriction on future additions was included. It should be noted that reducing the GFA from 45% to 40% encourages single level houses to some extent.</p>

Date	Name	Comment
	Jim Shuman, Kavita Chigurupati, Alex Shor, Ron Malatesta, Kyle Roche, Jessica Roche, Chares Zwick, Robert Diederich, Kate Diederich,	<p>D. Impervious Surface Deviations</p> <ol style="list-style-type: none"> The impervious surface deviation should be eliminated other than 5% deviations for narrowly defined situations such as protection of critical areas or to deal with unique situations such as flag-shaped lots. Administrative Decision #14-02 should be repealed. <p>E. Gross Floor Area</p> <p>We support the GRA reduction from 45% to 40%. In addition, we recommend the following:</p> <ol style="list-style-type: none"> Clearly require that “air space above an interior space (like a clerestory)” that extends more than a certain height (e.g. 15 feet) is floor area. Repeal Administrative Decision 13-01 which states otherwise. Floor area for daylight basements should be included in calculation. Floor area for rooftop decks should be included in calculation. Floor area for garages should continue to be included in calculation. <p>F. Setbacks</p> <p>We support the suggested increase in side setbacks to 17% of lot width for lots greater than 90’ wide but recommend that the minimum be 1/3 of the total setback rather than 5’. We do not support reductions in the front yard or back yard setbacks.</p> <p>G. Landscaping</p> <p>Other than tree preservation or replacement, the City should not adopt rules requiring landscaping as they are too difficult to enforce and would be considered intrusive. The City should continue to realize the goal of green landscapes and environmental benefits by maintaining the impervious surface limits. It is simpler and more consistent.</p> <p>H. Fence Height Deviations</p> <p>Eliminate fence height deviations except on Island Crest Way north of SE 53rd.</p> <p>I. Tree preservation and replacement</p> <ol style="list-style-type: none"> Expand the purpose statement to broadly reflect the value of trees including aesthetic, environmental, health, economic, and wildlife support. The tree regulations of the City of Issaquah include provisions that might be appropriate for Mercer Island, in particular when trees are proposed for removal outside of the development window. The first step is to complete and submit a tree removal form. The tree removal form is used to keep track of tree removal requests and serves as a tree removal permit application in those situations where a tree removal permit is required. Permits are required when more trees than specified in a tree-removal rate schedule are to be taken down. Criteria are established for limited removal of trees beyond the tree removal rate. Tree removal permits are always required for landmark trees, in Issaquah’s case those with diameter greater than 30”. There is no fee for submitting a tree removal form. A similar program should be considered for Mercer Island because there is not a significant body of reasons for denying a tree removal permit outside of the development window. Residents might find this sort of program more acceptable than a permit requirement for removal of any significant tree. A tree removal rate should be established allowing for removal of a percentage or number of trees, whichever is less, based upon lot size. More trees are often saved on a numerical basis using this approach, as does Issaquah. Significant trees should continue to be preserved to the extent possible in the course of new construction or redevelopment. Permit applications must document the efforts to design structures and other improvements to meet this requirement. Establish priorities for trees to be preserved based upon such factors as clustering of significant trees, native trees, maintenance of canopy, and provision of screening of the development.

	Date	Name	Comment
			<ol style="list-style-type: none"> 6. Significant trees should be 8" in diameter for conifers and 12" in diameter for deciduous trees (rather than the larger diameter being considered by the Commission of 12" and 18" respectively, a significant increase over present standards for the conifers, which is 6' high). 7. Designate heritage trees based upon size and species. Provide incentives that appeal to developers in order to permanently retain heritage trees. Sammamish has a detailed program for both of these provisions. 8. No permit should be required to remove any size tree of an invasive species and no invasive species should be allowed for replacement. 9. Fifty percent of replacement trees should be native with the rest approved by arborist as being appropriate for climate and conditions. 10. Require documentation of City arborist decisions. Provide that the City arborist can ask for a third party consulting arborist of its choice (not in business of removing trees) regarding the health of a tree proposed for removal that would otherwise be protected. The City should consider establishing a fund for this purpose. The City arborist, arborists working for developers, and consulting arborists should use the International Society of Arboriculture Basic Tree Assessment Form to report on the health of trees. 11. Specify tree protection performance standards that reference international Society of Arboriculture best practices. Provide effective enforcement and penalties.
160.	3/15/2017	Anne Fox, Carolyn Boatsman	<p>I am writing, perhaps too late, in support of the work and analysis Carolyn Boatsman has done in reviewing the residential code changes now under consideration. Below I have copied her summary of concerns related to the latest draft available.</p> <p>I have many major concerns. Perhaps of greatest concern is the proposal to have no limit to the impervious surface coverage. That is a frightening thought indeed. Why? It makes no sense to me. So instead of huge, very tall and forbidding houses that now are allowed extra coverage without any thought, we get a home that covers the entire lot. Does not seem to me, under this scenario, that there is any chance of preserving any sense of space or green, vegetative environment in neighborhoods.</p> <p>Carolyn, the expert on understanding the detail of code language, also points to several areas where the code language is confusing.</p> <p>I still believe The City needs to actually create computer generated scenarios of scale based on before and after. There are too many uncertainties and ambiguities in the language to make the changes clear to a layperson. I also believe that approach would help planning commissioners. Perhaps that exists and I'm not aware of it. I know The Commission is sincere in review and recommendations. I also know, having sat on The Commission, that the amount of detail handed to the group is immense, too complex for a volunteer to really understand. Does anyone really understand the impact of these changes. Will the ultimate goal of managing scale, coverage and height be reached? Perhaps that wasn't The City's goal. It certainly was mine.</p> <p>Review by Carolyn Boatsman. My comments in red.</p> <p><u>Impervious surface limits</u>, They've still removed this bedrock environmental and green foundation of our neighborhoods. They think more people might build a single level home. It's a lot to lose for that gamble. Also, there is concern that the code contains a lot of confusing language re: impervious surface. So fix that! Keep the impervious surface limit. To remove the impervious surface limit is to open neighborhoods up to the potential of immense spans of hardscape.</p> <p><u>Incentives to retain native trees and replace with native trees</u>. We're directed to preserve neighborhood character per the comp plan. Are we preserving it to replace with species not native to this area? Essentially ornamentals? Most tree ordinances in cities surrounding MI have special provisions for native trees and we should too.</p> <p><u>Height limit</u>: Give us the benefit of height limit regulations that are understandable. Use the Town Center standards. Measure from the "the lower of existing or finished grade" rather than average building elevation. The latter allows a taller structure than 30'. If it's 30', make it 30'. A rooftop deck should be considered to be 5' high and count in height determination. A very good point.</p> <p><u>Addition of 5% GFA for ADA accessible house</u>. What is the logic of this? We could see it if the house was single level and impervious surface increase was sought. But why is it needed given the large houses allowed? The point I see here is that The City does not want to require the developer to come up with designs that are smaller, allowing same use but in a more efficient way, so The City just keeps adding provisions for more allowable scale and hardscape.</p> <p><u>Fence height deviations</u>: Six foot front yard fences are made even easier to get in the draft code. They would be allowed on all but a cul de sac. Don't allow fence height deviations in the front yard except for on Island Crest Way north of SE 53rd ST. The code language is such that once one is granted, it favors the granting of more, i.e it is granted based upon what sort of fences are nearby.</p>

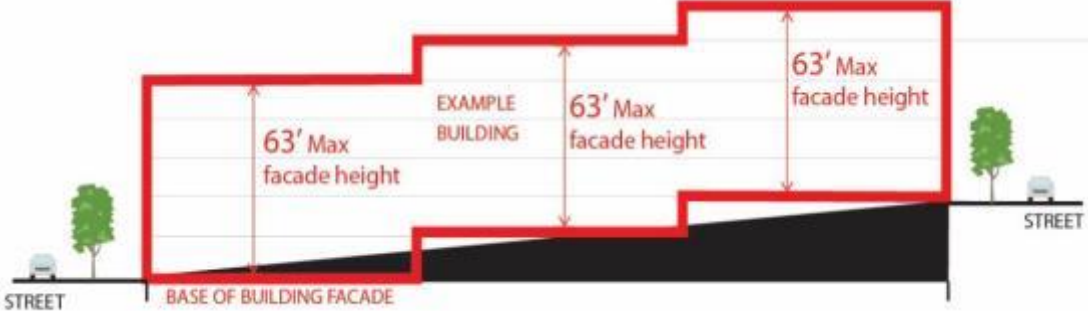
	Date	Name	Comment
			<p><u>Sideyard setbacks</u> should be no less than 1/3 of the total on one side. YES</p> <p><u>Tree protection standards</u> should be those specified by the International Society of Arboriculture best practices, as amended. YES</p> <p><u>Continue to retain as many large trees as possible</u> during development. This is not clear in the draft code.</p> <p><u>Max house sizes</u> in R8.4, 9.6, 12, and 25 vary from about 60% of underlying zoning (for R8.4) to about 80% for the others. GFA is still 40% but when lots are combined this puts a cap on the house size in the zone. Is this too large? Let them know. Honestly I don't know what this means. But, if I assume it means GFA is limited to 40%, has the GFA calculation been amended so it is a more honest calculation....taking in all factors?</p>
161.	3/15/2017	Kathryn Hoffman	<p>I appreciate that consideration is being given to residential development on the island. I share the concern of many Islanders that we may have let things get away from us a bit in recent years. However, I am inclined to think that some of the recent proposals may be too extreme.</p> <p>I personally do not want a 5-7,000 square foot home. There have, however, been houses of that size built on my street, on lots of probably 15-18,00 square feet. Some I find attractive and some I don't, but my taste should not be decisive. I think houses of that size should be acceptable when they can be built in compliance with the setback requirements, height restrictions, 45% lot coverage limit, etc. I believe my block is zoned R-9.6 and limiting those folks to having built homes no larger than 4,800 square feet does not seem reasonable. The time may come when such large houses are no longer in high demand for a variety of reasons, but I do not think it is our place to dictate that change.</p> <p>I think the problem is that the code as it exists has not been well enforced. Variances seem to be easily obtained if one is persistent. I have seen notices of variance requests, seen that they were denied, and then before you know it construction is going ahead and clearly variances have been granted. I have certainly seen plenty of new homes on the island that do not seem to meet the setback and lot coverage restrictions in the code. The lack of enforcement can result in problems beyond aesthetic ones. For example, impervious surface coverage impacts water runoff and setbacks impact the light that reaches neighbors.</p> <p>I believe finding the right balance on this issue is important with regard to property values. Both allowing overdevelopment on lots and imposing restrictions that are too extreme could negatively impact those values and, consequently, the city's revenue. I also think particular care is required at this point because property values could be at some risk for the next six to eight years due to light rail construction on I-90 and the resulting traffic congestion.</p> <p>I believe the current code was thoughtfully designed and I think it should be fully enforced. If changes are deemed necessary, I ask that you not let the recent lack of enforcement cause the pendulum to swing too far toward greater restrictions; in any event, without enforcement, those changes would not solve our problems.</p>
162.	3/15/2017	Morrene Jacobson	<p>Regarding the proposed changes: Most of the proposals are reasonable. One issue I did not see discussed was that of variances. In recent years all requests for variances have been granted, something that should not continue. After standards are set, they should not routinely be set aside by an overly pro-development DSG.</p> <p>I object to removing all restrictions on impervious surfaces. The rationale was to encourage one story homes, but I have no objection to two stories built within the new proposals. If I understand this correctly, it's not only the footprint of the building but also the driveway, patio, sport courts, etc that fall into the impervious surface category. Allowing too great an area of impervious surfaces can lead to all kinds of problems - pollution of streams and lakes, flooding, landslides, etc.</p> <p>I'm glad to see the proposal to shorten the hours construction is permitted, though I'd prefer an 8 a.m. start M-F rather than 7. I'd also like to see a requirement to preserve more than 30% of existing trees.</p>
163.	3/16/2017	Philip Tsiang	<p>I live in a house that is outdated and even if remodeled would still be very unconventional and hard to live in for a modern life. After reviewing some of the tear downs on Mercer Island I noticed the builders use fine finished products through out. They improve the drainage on lots Because of the city code that requires detention tanks. This is all paid for by the developer. If I were to not be able to sell to a builder – I think the only group that would buy my house is a predatory investor That would use my unconventional house as a rental. I like the idea of a new house on my lot with a new vibrant family. I specifically think the 45% to 40% reduction would hurt the ability of the building community to turn homes like mine into new housing for the future needs.</p>
164.	3/16/2017	Sarah Fletcher	<p>I don't know what games you are playing at. I don't like your proposed Tree Ordinance at all. It just looks like you really don't care about retaining as many trees as possible. Developers should be using reasonable best efforts to design and locate any improvements in a way that preserves large regulated trees, but with your current proposal, it is doing nothing of the sort. It is like you are giving the</p>

	Date	Name	Comment
			<p>developer carte blanche to cut down 70% of the trees and instead of retaining the significant tree size, they plan on increasing it. Please keep the significant tree size like it has been for all these years. I just don't understand what is going on with your Group and if it is you to blame or the City Council. It is like no-one is listening.</p> <p>The language below is better than what you are proposing. What gives the island part of its charm and character are the trees, parks and open space. And the City's values are to "cherish the environment." Perhaps you can tell me what part of the proposed tree language cherishes the environment? I don't know how allowing for 70% of the trees on a property is in line with cherishing the environment. If there is a significant tree like the Sequoia tree on the 2424 82nd Ave SE sub-division/Sub15-001, it should not be permitted to be cut down. You can't just permit a few token trees or have the developer pay a few hundred dollars. It needs to stay. Period. I don't know what language can be inserted into the Ordinance to protect such a significant tree. If the architect/developer were any good, they would be able to come up with a way to work around the trees. I look forward to seeing a revised draft showing better tree protection</p> <p>I will let you read below about the current tree protection: http://www.mercergov.org/files/TreeProte...</p> <p>This is what it currently says: "Trees Benefit the Environment...and Your Home Value The Purpose section of the Tree Ordinance underscores some of the benefits of trees "...including minimizing erosion, siltation and water pollution, surface water and ground water runoff, risks of slides and the need for additional storm drainage facilities, preserving trees for the reduction of noise, wind protection, slope stabilization, animal habitat, and reduction in air pollution." National studies confirm that houses sell more quickly and for a higher sales price when they are surrounded by mature, healthy trees.</p> <p>Therefore, we recommend that before designing or adding on to your home, you assess and locate the Regulated Trees on your property and in the right of way. You will then be better able to design your project to minimize impacts to your trees. We recommend that you confer with a qualified arborist when making this assessment.</p> <p>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.</p> <p>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."</p> <p>People are unhappy with what is going on. Please try a bit harder to retain the trees.</p>
165.	3/16/2017	Mary Jilek	<p>I am in the process of designing a home on a 60 foot wide lot. The proposal of the Solar Plane Effect really affects the way I can create my second floor. I am going round and round with the architect but to get the stairway up and the rooms necessary is becoming very difficult. I don't like the idea of the City putting such restrictions on the layout of my house. That is not your intention but it sticks me with a very hard foot print to work with. I am not In favor of the addition of the Solar Plane or the reduction of the FAR. I do agree with you on trees and what others have said regarding protecting trees. But the other changes on FAR and Solar Plane are too restrictive.</p>
166.	3/17/2017	Chris Blakeslee	<p>I would like to let you know I am against the lowering of the FAR. Matter of fact you should consider upping it to 50% for lots under 10,000 square feet. Right now, there are certain properties that make sense to tear down and due to land cost the smaller lots do not pencil for tear down. Unfortunately, some of these properties are in a condition that is also not feasible to remodel for today's families lifestyle. In relationship to all the inventory on the island there is just a few of the homes that are being torn down. I think it looks like a lot because the majority is happening north of SE 40th St. If we let the older smaller deferred maintenance home get torn down with new homes That is a good thing. It brings new families to the market which the old smaller home would not be able to accommodate. It also creates diversity as we will have some new homes in the neighborhood along with all the older homes. Thank you for listening and being open minded.</p>
167.	Kent Rowe	3/16/2017	<p>Reducing the FAR would have major impact on land values. People who own vacant land or tear down property would be drastically affected by reduced values of peoples properties. The size of homes being built in general are what the market is demanding for today's real world. I know there are a couple of homes that are using the aggregate rule. Which is making some folks mad. But in general, the regular building is fitting for the modern world we live in. If the FAR is reduced, the tear down homes are going to be purchased by landlords rather than builders. This will result in more rentals and more deferred maintenance properties that are currently being torn down. Bellevue FAR is 50% - keeping ours at 45% is good for Mercer Island. Stop restricting and limiting our rights as property owners.</p>
168.	Elaine Denslow	3/17/2017	<p>I want to specifically disagree with the proposed change of FAR to 40% from 45%. We are looking at a 9,000 square foot lot and this impacts the size of our house by 450 feet. It is quite a bit of money for a piece of land on Mercer Island and now this is taking away living space for our family. This also would affect our sales price later down the road when we may have to sell. I know you are responding to a few complaints, but trying to satisfy those few by penalizing everyone else seems inappropriate.</p>


	Date	Name	Comment																
169.	Dan Grausz	3/19/2017	I have been meaning to clear something up from the public comments last Wednesday. Phyllis Chang incorrectly stated that the comments Carolyn had previously submitted were written by Carolyn and me. While Carolyn and I do talk about the changes and while I am generally supportive of her positions, I want to make sure everyone knows that what Carolyn sends in are comments written by Carolyn and do not represent comments that I have signed off on or otherwise represent my comments. That would be terribly unfair to Carolyn if people thought otherwise as she has spent many many hours working on this effort.																
170.	Carolyn Boatsman	3/19/2017	I would like to express my concern regarding an inaccurate impression created by Phyllis Chang during the Planning Commission meeting on March 15, 2017, in which she referred to comments that I had submitted as having been written by Dan Grausz and I. I have spoken with Phyllis to explain that I write the comments that I submit. I talk to many people, attend meetings and listen to discussion, research what other cities are doing, consult outside sources, research the recommendations of nonprofit organizations, and, finally, have some background in these issues from my work in groundwater protection, land and water issues, and building and subdivision regulation in King County relative to public health requirements. I ask others to give me feedback regarding comments before I revise and submit. Would you please inform the Commission of this correction to the record?																
171.	Dan Grausz	3/21/2017	<p>here is an expanded list. So you have this in one document, I included the items I previously sent you. Again, I am limiting these to what I consider drafting, rather than substantive, items. I have not yet gone through the tree provisions and am holding off on impervious surface and daylight plane as I know those are changing. I also have multiple comments on 19.15.010 and .020 but they are all more of a substantive nature and will be sent separately.</p> <table border="1" data-bbox="584 707 2800 1770"> <tbody> <tr> <td data-bbox="584 707 926 913">8.24.020-Noise</td> <td data-bbox="926 707 2800 913">I know this is the format in the current Code but as long as we are cleaning this up, can we say that the below noises are only allowed between 7am to 7pm on weekdays etc. The way it is now written, one could technically make these noises between midnight on Sunday and 7am on Monday and I am not sure what happens on Friday night and Saturday morning. So it could read: "Except in the cases of bona fide emergency or under permit from the city in case of demonstrated necessity, production of any of the following sounds or noises is only allowed between the hours of 7am to 7pm on Mondays through Fridays, excluding legal holidays..."</td> </tr> <tr> <td data-bbox="584 913 926 1191">17.14.010-Permit Duration</td> <td data-bbox="926 913 2800 1191">I assume you want to say that 105.5(2) only applies to residential since 105.5(1) covers non-residential and mixed use. You may also want to say that the construction schedule and management plan have to meet the requirements of 105.6 as there is nothing now in 105.6 that refers back to 105.5. There is also a more fundamental problem in 105.5(2) in that you can get a renewal any time within a year after the original permit expires but the renewal expires 3 years after the original permit was issued. Read literally, that means you can apply almost at the end of the 3rd year which means the construction schedule and management plan are meaningless (assuming the work is done by the end of the 3rd year). Would suggest that you require any renewal to have been applied for at least 60 days prior to the original expiration date.</td> </tr> <tr> <td data-bbox="584 1191 926 1292">19.01.050(A)(7)- Nonconforming structures</td> <td data-bbox="926 1191 2800 1292">Did you really mean to exempt from <u>all of Ch. 19.01</u> structures and sites resulting from a prior deviation approval as that would suggest that the entire site/structure is exempt? Not sure why that would be appropriate or why this change is being proposed.</td> </tr> <tr> <td data-bbox="584 1292 926 1372">19.01.050(B)(2) – Decks</td> <td data-bbox="926 1292 2800 1372">Not sure why this was limited to the R-8.4 zone. 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		<p>19.02.020(C)(3)(a)(ii) – Penetrations into Minimum Setback</p> <p>If you make the change above, I would suggest this be conformed so it applies to the smaller side yard setback.</p>
		<p>19.02.020(I) – Gross Floor Area</p> <p>If the PC goes ahead with the lot coverage premium for accessible homes, it may no longer be necessary to include a premium here particularly as accessible homes are more likely to be single level.</p>
		<p>19.02.020(J) – Large Lots</p> <p>On the 5-year option, I think you need to say when the 5-year period runs from. My vote would be from the time that a certificate of occupancy is issued or 2 of the 5 years are already lost during construction of the first house.</p>
		<p>19.02.020(L)(4) – Front Yard Landscaping</p> <p>We have a poor record of letting people pick 2 or 3 items from a list as inevitably, some end up being easier than others. Can't you just called these preferred practices that should be followed.</p>
		<p>19.02.040 – Accessory structures</p> <p>In (C)(1)(b), you may want to make the cross reference to 19.02.020(I)(2) as otherwise it could be confusing. In (C)(2)(a) and E, this may change depending on what the PC ends up doing with height calculations.</p>
		<p>19.08.030(A)</p> <p>Typo: should say "comply with all"</p>
		<p>19.09.090(A) – Building Pads</p> <p>There are multiple issues with this:</p> <p>1(a): for trees that are required to be retained, there should be no adverse impacts – otherwise they will not survive. In addition, it would be good to see a requirement that impacts to other trees be minimized to the extent feasible. Otherwise, we are actually protecting less trees during construction than is presently the case.</p> <p>1(b): the added words "as a result of anticipated development within the building pad" don't make grammatical sense with the lead in to that list.</p> <p>1(d): not sure what this is trying to achieve. In any event, it does not make grammatical sense unless the idea is to create some view protection: "The building pad shall be located to minimize impacts to ... the orientation of existing/proposed homes..." I am guessing that what you are trying to do is have the location of the new homes be consistent with where other homes are located on their lots although that should be secondary to 1(a) - (c).</p> <p>I think the revised last sentence is just not a good idea as it can result in larger driveways (more hardscape) than the Fire Code Official actually requires – particularly for lots with building pads close to the street. I know from recent reviews that driveways under 16' wide are being approved. Would it not make more sense to tie the width to what is required by the Fire Code Official.</p>
		<p>19.09.090(B)(2) – Building Pad</p> <p>I assume this additional large lot requirement is on top of the requirements in (B)(1). If so, you probably want to say "shall also comply"</p>
		<p>19.16 – Accessory Building</p> <p>I found the sentence you added to be confusing since it could be read to mean that all garages, for example, are detached accessory buildings although I know that is not the intention. You may want to consider starting this</p>

	Date	Name	Comment
			<p>with: "Detached accessory buildings could include, by way of example, garages..." or putting the word "detached" before "garages" and "buildings."</p> <p>19.16. – Accessory Structure In order to avoid confusion between accessory buildings and accessory structures, in the definition of accessory structure don't you need to say something like: "A separate structure that is not an accessory building but is accessory..."</p> <p>19.16 – Average Building Elevation I wonder whether this entire definition should be eliminated at this point because, for residential areas, I think these items are covered in the new Code. As for Town Center, I don't think it was changed to conform with the new TC Code.</p> <p>19.16 – Gross Floor Area I know you are going to change the clerestory provision based on what the PC directed. As to decks, not sure whether the PC ended up just saying "covered" or "covered by a roof."</p> <p>19.16 – Reasonable Best Efforts I think you want the part of item 3 beginning with the second sentence to be broken out so it applies to all 3 items and not just item 3.</p> <p>Appendix B –Basement Floor Area Calculation Depending on what is done with height calculations, this may need to change so that it refers to the lower of the existing or finished grade.</p>
172.	3/21/2017	Dan Grausz	<p>this is a substantive comment versus a drafting item. As the PC subcommittee is meeting tomorrow, the one issue that I am hoping is discussed is the height calculation provisions. I know that you will cover many issues but that one impacts multiple Code provisions including FAR.</p> <p>As you know, the collective we (staff, Planning Commission and Council) spent considerable time on this issue in the context of the Town Center Code rewrite only a few short months ago. The discussion was sparked by the Hadley project and the Code's use of average heights and existing grade as the starting point which allowed that project to end up being considerably higher on the 76th Ave. side than the 65-foot maximum height which was then allowed in that zone. We ended up with 19.11.030(A)(3) which I think was a great result in that it ensured that buildings would, in fact, not be higher than the maximum permitted limit while at the same time avoiding the situation where someone was penalized for building on a sloped lot:</p> <p>3. Calculation of Building Height.</p> <p>a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.</p> <p>b. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building facade to the highest point of the roof structure excluding appurtenances. The base of the building facade shall be measured from the adjacent public sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk. See Figure 4.</p> <p>c. If the bases of the opposite building facades are at approximately the same elevation, then the building height at any point between the facades can never exceed the maximum permitted building height. If the bases of the opposite building facades are not at approximately the same elevation, then the building must be configured to go down in height as between the higher and</p>


	Date	Name	Comment
			<p>lower facades in a manner similar to Figure 4 or in an equivalent manner such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted building height.</p>  <p>Figure 4 – Maximum Building Height</p> <p>As you know, the residential Code, including in the draft that was recently circulated, takes the same approach as the former TC Code with its use of average heights and existing grade. It seems intuitive to me that the same logic and solution that we agreed to for the Town Center would lend itself to building on sloped lots in residential zones. This would ensure that we end up with homes that truly do not exceed 30 feet in height no matter at what point it is measured and regardless of how much excavation the builder does before putting in the foundation. It is definitely a solution the Council has already weighed in on and one that I (and expect others) would welcome as an effort to create consistency within the Code.</p>
173.	3/21/2017	Carolyn Boatsman	<p>I think there may be an error in the existing code and draft regulations in the formula for height calculation. How can we get an average building elevation from considering one wall and its length, as does the current formula. Is a separate calculation done for each wall? If so, what about this is an average? I would appreciate your soonest reply. Maybe a quick phone call? I am trying very hard to get some comments in, of course. Thank you! Carolyn</p> <p>Building Height Limit. No building shall exceed 30 feet in height above the average building elevation to the top of the structure except that on the downhill side of a sloping lot the building may extend to a height of 35 feet measured from existing grade to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.; provided, the roof ridge does not exceed 30 feet in height above the average building elevation. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure.</p> <p>The formula for calculating average building elevation is as follows: Formula: Average Building Elevation = (Mid-point Elevation of Individual Wall Segment) x (Length of Individual Wall Segment) ÷ (Total Length of Wall Segments)</p>
174.	3/21/2017	Carolyn Boatsman	<p>I just confirmed the longstanding error in the code re: the calculation of average building elevation. The formula in the code does not match the formula in the (nearly illegible) appendix G. This error carries over to the draft code. You will note the code refers only to one wall segment. Appendix G refers to all of the wall segments.</p>
175.	3/21/2017	Carolyn Boatsman	<p>Comments: INITIAL PLANNING COMMISSION DRAFT</p> <p><u>19.02.005 Purpose and applicability</u> Add a statement consistent with land use plan to protect residential areas from bulk and scale inconsistent with existing neighborhood (Housing Element III. Neighborhood Quality, 1.1) The purpose shouldn't include a statement regarding the balance of community values with property values. The City doesn't have vetted information made public regarding the possible effect upon property values of decisions being considered. Codifying such a statement is not a good idea. The City should not commit to trying to adopt regulations that affect property values one way or the other.</p> <p><u>19.02.020 Development Standards</u> C. Side Yard Depth: For lots greater than 90' in width, require that no side yard be less than 1/3 of the total required side yard. Require at least 20' of side yard abutting a street. H. Building height limit Follow the recently adopted Town Center approach in MICC 19.11.030(A)(3) for the following reasons: 1) It is simple and clear. 2) It ensures that height limit, in this case, 30', is preserved in at least two ways:</p>

Date	Name	Comment
		<p>a) On sloping lots, when bases of the opposite building facades are not at approximately the same elevation, the building must be configured to go down in height as between the higher and lower facades so that the average of building heights calculated between the facades is equal to or less than the maximum permitted building height.</p> <p>b) On a generally flat lot, the height of the building cannot at any point between the facades exceed the maximum permitted height.</p> <p>3) Measurements are taken from the “lower of existing or finished grade” instead of from, as in the existing and draft regulations, from average building elevation. This is better because it ensures the integrity of the height limit from the practice of excavating prior to determining average building elevation.</p> <p>4) The existing code and the draft amendment contain an error in the formula to calculate average building elevation. The formula in the code does not match that in the nearly illegible Appendix G. One does not compute an average at all and one does.</p> <p>I. Gross Floor Area</p> <p>2. a, b, and c should be linked by the word “and” so that it is clear that all conditions must be met. Is additional GFA needed for ADA? This might make sense for a single level home but maybe not otherwise.</p> <p>L. Front yard landscaping</p> <p>Other than tree preservation or replacement, the City should not adopt rules requiring landscaping as they are too difficult to enforce and would be considered intrusive. The City should continue to limit impervious surface and then let people do what they like with the rest of their property rather than trying to prescribe what people will be required to plant in a tiny little area of their front yard. It’s a simple and effective system. I am not aware of citizens and developers coming into this process complaining about the impervious surface limit, only that deviations were too easy to get. This seems off mission. I hear a desire for single story homes, max GFA single story homes, and incentive for ADA homes. This can be easy: Keep the impervious surface limit and allow extra for driveways and ADA if on a single level. Maybe a reduction in garage requirements would be appropriate in such a situation. Removing the impervious limits is a very complex step. What will a max GFA house look like on a 30% slope where previous impervious limits would have limited the house to 30% coverage? Can you get a single story home on such a lot? Is there a simpler way to pursue single level homes than abandoning the impervious surface limit? I think so, of course.</p> <p>If there is discomfort with two definitions for impervious surface, use the scientific Ecology stormwater manual definition. When parsing the MICC Title 19 definition, it is nearly identical anyway in content. Ecology vets new products to determine the percent pervious. It has tables showing the percent pervious for various land covers including forest, grass, gravel, pathways, and any number of walking and parking surfaces. These sources of information can be adopted by reference and they are updated regularly. We should stick with the scientific resource at our fingertips rather than try to come up with new definitions for “hardscape” and “softscape”. On another note, it doesn’t seem like a very important reason to dismantle a complex aspect of our code to try to have a regulation that describes what the City wants to see rather than what it does not want to see, that this is somehow more positive. Zoning codes pretty much tell you what you can’t do, and often what you can, whatever makes sense in context. That works pretty well.</p> <p><u>19.02.040 Garages and accessory structures</u></p> <p><u>19.02.050 Fences, retaining walls and rockeries</u></p> <p><u>19.15.G.5. Deviations</u></p> <p>a. General deviation criteria. This pertains to fence height deviations: The fences in the neighborhood may be constructed illegally or they may all be the result of deviations, so basing neighborhood character on them is inappropriate. Every time the City grants a deviation, with this language, it becomes easier to get the next one. Some language should be added to address this unfair bias toward deviations.</p> <p>b. Setback deviation. These should not be granted. We should follow our setback minimums. The applicant can propose a smaller house – we need some of those. If this inappropriate section remains, please amend i. to “the setback deviation is required for the approval” rather than “associated”. The latter is a vague term that will cause future arguments and discord.</p> <p>c. Fence or gate height deviation. I am so opposed and disappointed to see these amendments. The goal of this process was to look at the size and scale of new construction and tree preservation to preserve the character of MI neighborhoods. This proposal will change the open and welcoming look of our neighborhoods to a series of forts. Fence height deviations would be very easy to get. Allowing these deviations along principal, secondary, and collector arterials includes, by technical definition, everything but a cul de sac. This alters character in a truly disappointing way. This could be one of the most destructive changes being proposed and it is off mission.</p> <p><u>19.16 Definitions</u></p> <p>Gross Floor Area</p> <p>Two loopholes should be closed. The GFA should include clerestory space. This is a key contributor to overly large structures. It should include uncovered rooftop decks.</p> <p>Reasonable best effort</p> <p>This term should be given application in the variance and deviations section. Reasonable best effort should be demonstrated that the variance or deviation is needed, i.e. that there is not another way to accomplish what the code intended.</p>

	Date	Name	Comment
176.	3/22/2017	Dan Grausz	<p>this is another substantive point that will hopefully be addressed in today's meeting. I fully agree with Carolyn's comments on fence height deviations. The proposal is really disappointing as it could turn our City into a gated community which is not what I think we should be encouraging. As I read the proposed MICC 19.15.020(G)(5)(c), 6-foot fences/gates would be automatically approved on any principal, secondary or collector arterial so long as either landscaping is put in front of it to "soften the presence of the fence" or the fence is "decorative" and has "evenly distributed open spaces" in the design. I know from City maps that we have at least 18 miles of arterial streets, including all of the Mercers. Carolyn thinks that this doesn't include collector arterials such as her street (74th Avenue). In any event, this would represent a huge change that hardly seems consistent with the mandate to protect the character of the community.</p> <p>My strong preference would be to limit these deviations to Island Crest Way north of 53rd. Even the Mercers do not rise to the level of heavily trafficked roads that demand walls within 20 feet of the roadway as evidenced by the fact that at least up until now, we don't have many fences and very few gates. Thanks for considering.</p>
177.	3/22/2017	Carolyn Boatsman	<p>I would like to add that the term "principal, secondary or collector arterial" includes all roads on Mercer Island except cul de sacs. So these front yard tall fences would be allowed on all of those roads, including mine, per the draft language.</p> <p>Citizens who requested this code examination and update were requesting measures that preserve and protect the character of Mercer Island neighborhoods. The too easy granting of deviations, both impervious surface and fences, was brought up early on in comments by many. The proposed change in the code re: fence height deviations appears to make it easier to get them, which is distressing.</p>
178.	3/28/2017	Vickie Carper	<p>I am a private citizen at 9829 SE 42nd pl and have been on the island since 1950. 2 years ago, the log cabin on a standard lot next to me was torn down and all trees removed. The new owner</p>  <p>built a huge house with 7 bathrooms for the land available. The house is so large that it had to be moved forward on the lot; not in keeping with the rest of our neighborhood. The rest of us have fairly large lawns in front. Their's is probably only 10% of what we have. This is the most disturbing part of this structure. It should have been built on a larger lot. On my side I have this ugly wall that looks like a warehouse that I get to look at daily. No trees to hide this stucco wall. It blocks a lot of my view and their windows look right into my deck and picture windows. In fact it is so obstructive that I got a <u>real estate tax reduction in land value</u> for next year ! Bigger homes do not increase the value of the neighborhood. !!</p> <p>I am favor of trying to preserve the flavor of our neighborhoods ; and <u>not</u> in favor of these huge McMansions.</p>
179.	3/29/2017	Carolyn Boatsman	See additional comment submitted here (Pg 1-2)
180.	3/29/2017	Lynn Hagerman	See additional comment submitted here (Pg 3-4)
181.	3/29/2017	Mark Coen	See additional comment submitted here (Pg 5)
182.	3/29/2017	Vickie Carper	See additional comment submitted here (Pg 6-7)
183.	3/29/2017	Sol Baron	See additional comment submitted here (Pg 8-88)
184.	3/30/2017	Harry Dingwall	Sounds good to me but too late for a monstrosity on Island Crest Way!!!!!!!!!!!!!!

	Date	Name	Comment
185.	3/30/2017	Sarah Mangold	I am supportive of the proposed changes to the building code, including reducing max house size relative to lot size, wider side setbacks, tree protections and reduced construction hours. I would also like to see restrictions on allowed deviations and/or much, much stricter requirements regarding approval of deviations, including ample time for notice and response from impacted neighbors. If we are going to change the code, lets please plan to enforce it and eliminate loopholes and deviations.
186.	3/30/2017	David Youssefnia	I'd like the planning commission to consider updating the city code to allow for non- cement sport courts to be allowed as pervious surface. The technology of sport courts has changed significantly since the writing of the code and the code should be updated to reflect this. Also the code should be more specific in defining a sport court - materials used, both for surface and sub surface and infiltration requirements. <i>See additional comment from David received on 4/6/2017 here</i>
187.	3/30/2017	Mark Hall	I plan on attending the meeting on the 5th but I wanted to share some background that tells me your proposals are very onerous. Our current home was built in 1962 and we had planned on remodeling it including raising the roof 18 inches. The prior minimum set back was 5 feet for the foundation. The current minimum set back is 5 feet from the edge of the gutter (which appears to be common in many jurisdictions). Long and short of it after spending \$12,000 in architectural and engineering drawings there was a 40% test that basically said if I spent 40 % of the buildings assessed value I needed to bring it up to code. This would require moving the S foundation wall 30" s north. Needless to say it was not financially feasible. When most of the value is in the land, remodeling a mid century home becomes very difficult and the newer rules will likely create more tear downs or result in more deferred maintenance. We have since purchased another house here on the island. It has the same issue and cannot be remodeled to achieve what we wanted so it is going to the land fill against all my wishes or financial sensibilities. If that is your goal you will achieve it w more tear downs. I do support an overall height limit. I also believe the below grade basement space is reasonable and in many codes through out the area. The "cut-back roofline" puts the code in the design business and I think you folks are lousy at this. I would handle this with height limit instead of some hard to calculate and design to. Tree restrictions seem very difficult on certain lots and hope you will have some work arounds i.e. required replacements even if they are greater in quantity and even if the replacement was on public property including a larger minimum size than the current requirements. There are many cotton woods and alders and maples that are rotten or dangerous trees some may not consider them as high value or intrinsic as a large diameter fir or cedar.
188.	3/31/2017	Ben Pariser	We've heard that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home. In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.
189.	3/31/2017	Doris Quan	Please do not move forward on new single-family zoning limits. The proposed changes would result in excessive limitations on the amount of square footage that a single-family owner can build on their land. It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home. ALL Island residents look to their home and property to grow in value. We can all still have a wonderful quality of life here without drastically changing the square footage to land size ratio. Please consider this, especially given that our island has more pressing, important matters (such as the I-90 tollway) to work through.
190.	3/31/2017	John Odegard	I have lived on Mercer Island since 1991. I have built two homes on the island for my family's personal use over the years and currently reside in the area of 32nd and West Mercer.

	Date	Name	Comment
			<p>I've heard that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that addresses the concerns of a few vocal minority at the expense of all Mercer Island homeowners.</p>
191.	3/31/2017	Paige Behrbaum	<p>I've heard the city is considering limitations on the amount of square footage that a single family owner can build on their land. I'm concerned the council is deciding this issue without a vote of the community. Public hearings are hard to attend for busy families, and I worry that many citizens are not aware or have not been able to give input on this issue. I am not in favor of further limiting property rights with new regulations that limit house size and tree retention. When we built our home 15 years ago, Mercer Island had stricter building rules (trees and impervious surface) than many of the surrounding areas we considered. While I value preserving MI's character, some neighborhoods are older and have homes that aren't what today's buyers and families desire. If our property and building regulations are much more limited than Bellevue or neighboring communities, MI property values will decline as buyers seek other options so they can build the homes they want somewhere else. Today's families work from home, exercise at home, and watch more movies at home. As a result of lifestyle changes over the decades, homes from the 1960s don't have the floor plans that many buyers are seeking. Life is different now, and neighborhoods do need to evolve over time.</p>
192.	3/31/2017	Joseph Poole	<p>I am a home owner at 8012 S.E. 24th St. This is a 6800 sq.ft. lot. Limiting the building space to 40% Would dramatically constrict any re-model or new construction. As a property owner I firmly believe That there is a limit as to governmental regulations for home owners.</p> <p>What is the reasoning behind this Down Zone idea? My wife and I ask to please consider the negative impact These regulations will create. Including increasing set backs,setting a maximum house size, and requiring a daylight plane setback. The value of my residence, short of re-zoning to multi-family, will significantly decrease.</p> <p>I know I'm not alone. Many homeowners are in the same situation.</p> <p>Nearing retirement age, this home is very important in our financial plans.</p> <p>Thank you to go back to the drawing board</p>
193.	3/31/2017	Leonard Rosoff	<p>I have received in today's mail a letter from a group called "Concerned Citizens of Mercer Island" regarding a proposal for a downzone that would limit what homeowners can build on their lots. This group is opposed to the limits proposed.</p> <p>I am writing to say that in contradiction to what "Concerned Citizens of Mercer Island is asking me to protest that I am IN FAVOR of the proposed restrictions by the City of Mercer island.</p> <p>This is prompted in part by a teardown and reconstruction of a house next to our property that occurred a few years ago. This project has had a measurable impact on our home and property values. We now have a very tall house looming over our back yard and only a few yards from our property line.</p> <p>If the buildable lot limitations and code changes now apparently proposed by the city had been in place we would have been spared from this significant impact on our home and quality of life.</p> <p>I urge the City Council Members of Mercer Island to proceed with the proposed lot limitations and code changes.</p>
194.	3/31/2017	Doris & Percie Hill	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me and my husband that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
195.	3/31/2017	Mark Coen	<p>I think it may be important to have a statement of purpose to explain to people why there are stricter ordinances around trees with the new code.</p> <p>Here is one I modified:</p>

	Date	Name	Comment
			<p>The City of Mercer Island recognizes that the preservation of many of our mature trees enhances the natural scenic beauty, sustains the long-term potential increase in property values which encourages quality development, maintains the original ecology, retains the original tempering effect of extreme temperatures, creates the identity and quality of the City which is necessary for successful business to continue, improves the attractiveness of the City to visitors and increases the oxygen output of the area which is needed to combat air pollution, stems the flow of storm runoff and encourages the health and safety of native wildlife habitat. For these reasons, the Council finds that in order to promote the public health, safety and general welfare of the City of Mercer Island, while at the same time recognizing individual rights to develop private property in a manner which will not be prejudicial to the public interest, it is necessary to enact regulations controlling the removal of and the preservation of trees within the City.</p>
196.	3/31/2017	Joel Espelien	<p>I am writing in support of the new residential standards. Builders are pushing the existing rules to the limit (and then some). Every tear down results in a \$2-\$3m McMansion with 4000+ sq ft. of living space. This is wildly excessive and encourages more of the same.</p> <p>As a result, the buyer market is becoming dominated by high net worth foreign buyers. Do we want to become another Vancouver BC?</p> <p>The new restrictions are reasonable and protect the character of the island.</p>
197.	3/31/2017	Victoria Hollem	<p>I'd like to see some changes in the residential code.</p> <p>The picture I have attached is what I look out at now from my kitchen and dining room. The view used to be the roof of a house, trees and the sky.</p> <p>I don't see how this has helped my home value.</p> 
198.	3/31/2017	Tim Kirwan	<p>I've been told that the City is considering significant limitations on the amount of square footage that a single-family owner can build on their own land. As a tax-paying resident of Mercer Island, I am strongly opposed to this proposal as it would severely limit my property rights and would have a dramatic negative impact on average property values across the island. I chose Mercer Island over Clyde Hill, Bellevue, and Seattle for many reasons. Implementing this proposal will have a negative impact on the feel of our community and will drive down the property values across the island.</p>

	Date	Name	Comment
			I do know understand what the motive would be for such a proposal, but I suspect the implementation will have a negative impact on me as well as most long-term residents of the island. As a voting resident, I ask that you do not move forward with implementing these new single-family zoning limits as it will ultimately have a negative impact on the quality of life we enjoy on the island.
199.	3/31/2017	Michael & Gesine Meeker	<p>I want to SUPPORT NOT OPPOSE the new zoning restrictions that are being considered for Mercer Island. As a recent victim of a monster house (actually two monster houses) built by RKK construction, it is too late to protect us from the outlandish houses now being built on Mercer Island, lacking both style and taste but challenging limits on size and height. I must add that it does not seem to me that the City is enforcing the persent generous allotments for percentage of lot covered. We need more not less restrictions.</p> <p>I recently received a letter from the so-called "Concerned Citizens of Mercer Island" urging opposition to the new restrictions. This person, group, or corporation does not have the courage to reveal his, their, or its identity, having indicated no phone number, email, or any other contact. Although I am unable to attend the April 5 review of the new zonings restrictions, I ask that you ask for this group to unmask itself and reveal its interests.</p> <p>I also ask you to challenge the idea that restrictions will lower property values. In my case, they present codes allowing monster houses have considerable lowered our property values.</p> <p>Please forge ahead with reasonable zoning restrictions, we and man others support your efforts.</p>
200.	3/31/2017	Daisy Wong	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Pls do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
201.	3/31/2017	Harry & Denise Larsen	<p>We strongly support further restrictions on lot coverage. Our neighborhood, First Hill, is being rebuilt with "mega" houses. These are often purchased as a means of offshoring money rather than as a place to live. This reduces the social strength of our First Hill community. Environmentally, it strips the area of it forested nature.</p> <p>When you fly into Los Angeles you have noticed there are no trees! With global warming and a bad choices this could be our future.</p>
202.	3/31/2017	Jared Reimer	<p>Our family of five (with three young children) will be directly impacted and in a very negative way by the proposed rule changes on private property improvements. It may prompt us to sell and leave the Island rather than remodeling our existing 1970s home. This would be heartbreaking but given property values here it is a realistic outcome if we are unduly limited in expanding our existing small house.</p> <p>We are strongly opposed to the proposed changes and urge you to reject these new rules. I have lived here for twenty years and believe the City already does a great job at controlling growth and representing the interests of all Islanders, including those concerned with trees and erosion and ivy.</p> <p>Please don't get sucked in to catering to the whims of a few vocal naysayers. The improvements to (or replacement of) older homes are a welcome addition to our community. They attract families like ours and keep MI vibrant.</p>
203.	3/31/2017	Arnold Smith	<p>I too received the letter urging that I oppose the "downzone". The very strong financial ovetone of the letter does not give appropriate condideration of the quality of life on Mercer Island. To me the large new construction of houses on small lots are a classic example of greed.</p> <p>I could not identify the financial backing of "Concerned Citizens" but I am certain doubt that it is sponsored bh Devellpers, and certain Real Estate Agents.</p>
204.	3/31/2017	Bob Li	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p>

	Date	Name	Comment
			Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.
205.	3/31/2017	David Killough	I am generally concerned about greater restrictions on setbacks, lot coverage and square footage, etc., impacting the size/height of new construction and remodels and thus reducing property values. I am also greatly concerned about the new tree retention requirements and impact on views -- particularly in neighborhoods like mine where we have view property covenants that require limiting height of trees that grow to interfere with neighbors' views (e.g., of the lake). The city should not override view-protecting covenants between homeowners, as doing so would greatly reduce property values in my neighborhood.
206.	3/31/2017	Jon & Adele Hall	We have just learned, (only five days before the only public meeting on this matter) about the very serious limitations you propose to make on the private residential property of Mercer Island citizens. Every day it seems that the Feds, States, counties and municipalities emplace more and more regulations on the citizens by you the officeholders. In this case you are giving us very limited time to consider, WHY?
207.	3/31/2017	Anonymous	I've been reading about the proposal limiting the amount of space that a resident can use to rebuild his house if he wants or needs to. What would occur if a fire destroyed our home and it needed to be rebuilt? In case of a fire would this Proposal cause me to downsize from our existing 27,000 square foot home plus an attached 2 car garage? Our houses in this Development have setbacks that were allowed when built in the mid to late 1970's. If the Downzone Proposal is enacted it would limit my property rights or anyone that I would sell to. I see this Proposal as a poor option for several of the current homeowners. We understand the importance of protecting this Island's Character and quality of life, but it should not limit every ones current rights in order to stop mega houses from being built. For every mega-house built on this Island in the past it was approved by responsible City employees. The MI City Council can solve this problem by limiting rebuilding to not exceed the existing setbacks and restricting the height of new or rebuilt homes To implement this Proposal it will have a significant Impact on values of most of the residence on this island. We request you look at another option to solve this problem that were raised by some of the people that have been impacted by the rebuilding of large home(s).
208.	3/31/2017	Deborah Katz	Today I received in the mail a letter from an anonymous source identified as Concerned Citizens of Mercer Island. I, too, am a 'concerned citizen' who supports limiting building heights, lot coverage, daylight plane setbacks and other guidelines that will ensure that construction is in proportion to the lots. I find it ABSURD that this individual - surely a builder or realtor - is concerned about property values - which will always go up, unless Mercer Island can be transported to Nebraska. PLEASE, respect the rights of ALL Mercer Island residents to live in a pleasant city, not just the object of greedy builders. Thank you for listening. I am a 57 year resident of Mercer Island.
209.	3/31/2017	Ronald & Loretta Kaufman	As residents of Mercer Island since 1959, we applaud the City Council for considering a downzone. It's about time! The decision to limit house size is long overdue. The recent mailing by "Concerned Citizens of Mercer Island" uses scare tactics that should be ignored. The character of Mercer Island has been devalued by construction of mega-houses replacing older homes that had style and appeal. These big houses overwhelm the lots on which they're built and they're too close together. They also have a negative impact on impervious surface, causing drainage problems. Increasing the side setback is a great idea. Definitely retain or increase front setback as well.
210.	3/31/2017	Scott & Jean Majury	1. Link and limit home size to lot size. 2. If trees are not an "imminent danger," don't destroy them. 3. The real estate and developer argument that restrictions will affect profit for them and homeowners ignores the long-lasting effects of overbuilding on a small lot and destroying the environment because of it. Please consider our statements.
211.	3/31/2017	Richard Kepler	I am very concerned that the Council is considering limiting the amount of square footage that a single-family owner can build on their land. This is an unfair restriction and should not be the realm of the Council to impose on a property owners rights.

	Date	Name	Comment
			Please do not move forward on such single-family zoning limits that address the concerns of a few at the expense of the vast majority of all Mercer Island homeowners.
212.	3/31/2017	Kendall Taylor	We received an unsigned, anonymous form letter from "Concerned Citizens of Mercer Island" dated March 28, 2017. The letter is very one-sided against the City proposed revisions to the residential code and encourages people to write an email with specific text against downzoning. Could this group name really be a cover for one or more of the big developers on MI?
213.	3/31/2017	Craig Philips	I am writing in support of the downzoning which is being proposed. This proposed action will support and encourage a dynamic family environment on the island, will maintain green space, and will help to ensure that we don't become an island of big block homes. I encourage you all to continue to protect the zoning regulations and to keep builders from obtaining deviations for their projects. Please support the downzoning.
214.	3/31/2017	Dean & Cindy Peterson	This action is far overdue. We have lived on Mercer Island for sixty years and find the lack of control of the overbuilding on our residential lots has been shocking. It is about time for the City Counsel to take some action to stop the overbuilding.
215.	4/1/2017	Robert Rogowski	I emailing to indicate my staunch opposition to the proposed changes to buildable lot zoning. We bought our house in 2012 to tear down and build fresh. Due to an error of the title insurance company and subsequent legal action, we were delayed. If you reduce what we can build, then you are significantly reducing the value of our real estate. The values of the house and land represent the largest assets in our retirement savings, and the proposed zoning changes would negatively impact these values. Vote no!!
216.	4/1/2017	Rock Osborn	As I read these property restrictions I just shake my head in disbelief. What gives you the right to tell people how they can use their property and how they can build their homes? These restrictions on trees is also unreasonable. What if you need to remove more than 30% in order to build? Require front yard landscaping. How many homes are built that are not landscaped? You people need to find something better to do with your and our time beside come up ideas telling other people how they must live. I am not in favor of these proposals and strongly object.
217.	4/1/2017	John Dulin	I don't agree that we need drastic limitations on the amount of square footage that a single-family owner can build on their land. You need to insure that we can always get a fair value for our property. Many of the proposed changes will have unintended consequences of reducing property values. 1) Don't believe that we need a daylight plane setback. 2) The current rule for side setbacks on large lots is currently valid 3) There should not be a maximum house size for each zone, how will you come up with the rules without impacting property values With the issue of land space being available close to the city of Seattle, it is really important that this issue is carefully thought out so you don't impact our property values in the future.
218.	4/1/2017	Tim & J Casey	While we only found out about the "downzone" after receiving a letter opposing it and encouraging us to do likewise, we write in favor of the proposal instead. The opposition worries about economic impact, primarily, and limitations on property rights, secondarily. However, continuing to permit property owners to build ever bigger houses on ever divided residential lots has many negative impacts that should take precedence over personal economic interests, including: <ul style="list-style-type: none"> • Mercer Island lacks sufficient infrastructure (e.g., schools, roads, emergency response, postal services, retail services, etc.), especially on the south end, to support significant population growth that current zoning regulations will eventually promote. • Increased population growth will also increase student attendance in our schools and require even more taxes to pay for it all. • Denser housing will further reduce individual privacy, both among newly built and existing neighboring properties. • Denser housing and deforestation will result in ground level temperature increases. • Encouraging denser housing may cause real estate price increases, but it will also result in real estate tax increases, making it harder for residents hoping to retire and stay in their homes even more difficult. Permitting denser residential housing, with all of the negative impacts above, primarily for the benefit of builders and people selling their properties and moving away, does nothing to benefit those who remain.

	Date	Name	Comment
219.	4/1/2017	Sarah Fletcher	<p>I do not know what is going on with the Code, but all I can say is that it is so convoluted that for the layman, such as myself, I don't have a clue what the proposed language means. The Code language was better before.</p> <p>Again, I am going to complain about the Tree diameter size. Instead of staying at 6" diameter for deciduous and coniferous trees that can be cut down, you have increased it to 20" and 30" for deciduous and coniferous trees (I can't remember offhand. It is like you are determined to let the developers be able to cut down landmark/critical trees. Will you please put it back to 6"?</p> <p>And as an example, with the Sub15-001, over 60 trees were removed and of those 30 or whatever the replacement amount should have been replanted, but to date, have not been. This has been going on since 2007 and has a new owner or two since that date. Why has the arborist not made the new owner/developer replant those trees before construction, or at the very least, have the arborist map on the Arborist's Report where the replacement trees are going to go? Where is the language to make this happen? And there is a Sequoia tree that is a Landmark tree or critical tree, and that is where the developer wants to put a building, instead of building around the tree. Where do I find the language in the proposed Residential Code do I find the language that prevents that tree from being cut down no matter what?</p> <p>I thought I would include some language that is simple, to the point and more understandable for the layman:</p> <p>In general, the following rules apply when removing trees or vegetation.</p> <p>Environmentally critical areas. You cannot remove any trees or vegetation from environmentally critical areas, such as steep slopes, wildlife habitat, and wetlands, without a Tree Removal and Vegetation Restoration approval.</p> <p>Undeveloped land. You cannot remove any tree 6 inches or greater in diameter, unless the tree is designated as hazardous. You must get a hazard tree assessment by a certified tree risk professional.</p> <p>Developed property.</p> <ul style="list-style-type: none"> You cannot remove any exceptional trees. Exceptional trees are trees that are of significant size or have historical, ecological or aesthetic value. You cannot cut down more than 3 non-exceptional trees 6 inches or greater in diameter once the Notice of Decision has been released. You can remove trees determined to be hazardous through a hazard tree assessment by a certified tree risk professional. <p>Read the Department of Natural Resources' Tree Protection on Construction and Development Sites for a good overview of tree care and protection measures. Some details and requirements are different from ours. In those few situations, you need to follow Seattle DCI's tree protection rules.</p> <p>Read the Code</p> <p>For more information on existing regulations, read:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tree Protection, SMC 25.11 <input type="checkbox"/> Environmentally Critical Areas, SMC 25.09 <p>The only part I would change is to the "except when the tree removal is required for the construction of a new structure, retaining wall, rockery, or other similar improvement . . ." I would ask to keep what is on MI's website with regard to Tree Ordinance. There was nothing wrong with this language:</p> <p>"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."</p>
220.	4/1/2017	Tami Tszlerlip	<p>I would like to be on record as fully supporting the proposed changes to the city residential building code. It is the culmination of an long overdue, thoughtful and through process, which will protect the character of the island that makes it so desirable. Large trees, green spaces and light are critical to the atmosphere making Mercer Island's neighborhoods visually appealing. These are not easily replaced once they are removed.</p> <p>These new regulations are for the greater good of the whole community. I look forward to seeing them in place ASAP. Thank you to everyone on the staff, the Planning Commission and the City Council who have put in so many hours and given up so much of their personal time to make this happen.</p>
221.	4/1/2017	Carl & Tiffany Ledbetter	<p>As I am unable to attend the public hearing on this topic April 5th, I am communicating my disagreement with this proposal to you in writing. Rather than further restrict the residential properties on Mercer Island. I urge the council to focus on building its downtown community to attract more people and businesses. We need to invest in building a strong brand for the city and evolve a culture for the city. Mercer Island is a special place that is accessible to people on the east and west side. It could easily have a personality like the city of Kirkland waterfront, Leschi or Madison Park. Put the energy in creating a thriving and awesome downtown. Bring people to visit and want to stay and live here.</p>
222.	4/1/2017	Lars Myrfors	<p>Please do not move forward on the new single family zoning limits which would be tantamount to dispossessing our personal property rights which are fundamental to our constitution and the success of Western Civilization!</p>
223.	4/1/2017	Bruce Becker	<p>I wish to praise the efforts of the city to rein in the excessive development that is significantly reducing the quality of life on Mercer Island. My family lives on First Hill. We call it the "War Zone."</p>

	Date	Name	Comment
			<p>Developers and property owners are taking advantage of existing building rules to impose large costs on neighbors and neighborhoods by tearing down current smaller houses, building massive new homes out to the setbacks, and subdividing lots to shoehorn in too many houses on too little land.</p> <p>Certainly this works well for developers and exiting owners who cash in on the demand for housing in nice neighborhoods. However, the long term ramifications for continuing to pursue these rules will leave all of us to pick up the mess being created. It is true that the new homes upgrade the housing stock and keep our real estate values vibrant. However, these benefits are short-lived as new houses are increasing density, exacerbating runoff, blocking views, minimizing usable yard surface, insulting the scaling and existing house design of neighborhoods, but definitely maximizing profits for developers.</p> <p>For those of us left behind who value trees, views, places for kids to play, and watch our neighborhoods deteriorate due to the after effects of increased density, noise, and visual insult, this is not the direction we wish to go.</p> <p>The proposed new regulations are smart, address the massing issues, protect trees, and reduce building footprints. The only item missing is addressing the current incentives for developers to carve existing lots into multiple smaller lots that threaten the livability of surrounding residents.</p> <p>I appreciate that you are taking steps to protect our quality of life here on Mercer Island. And I know that the monied interests of real estate will make life difficult for you. However, maintaining quality of life here is worth the good fight.</p>
224.	4/1/2017	Mike Schnad	<p>My family bought our property on the Island in 1949 and I have always looked at it's value as insuring a good retirement for us. While it is important that we protect the quality of life and character of the island I am concerned that many of the proposed changes have the unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home. Additionally these changes will make their property less desirable to a potential buyer. I believe this may greatly reduce the funding I am counting on for my family when I retire and I want to state that I am profoundly against this proposed zoning change.</p> <p>Please do not move forward on new single family zoning limits that address the concerns of a few at the expense of the large majority of Mercer Island homeowners. If this change is implemented I will become a single issue voter in future council and mayoral elections.</p>
225.	4/1/2017	Anonymous	<p>We have heard that the City is considering drastic limitations on the amount of square footage that a single family owner can build on his land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. We are totally against this and feel that your idea is unreasonable.</p>
226.	4/1/2017	Elliot Waingold	<p>I've heard that the City is considering drastic limitations on the amount of square footage that owners of single-family residences can build on their land.</p> <p>This downzone severely limits property rights for owners, restricting their ability to remodel and redevelop their homes beyond the substantial existing zoning constraints. This is an unacceptable impingement on owners' civil liberties (i.e., freedom from government interference).</p> <p>In addition, the downzone will have significant financial repercussions for all Island homeowners due to the resulting downward pressure on property values across the board. For example, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily and negatively affected by the proposed changes.</p> <p>This downzone addresses the concerns of a few at the expense of all Mercer Island homeowners. Please do not move forward with it.</p>
227.	4/1/2017	Bonnie Chee	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restricting their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and relying on</p>

	Date	Name	Comment
			home appreciation to fund their retirement, may be heavily impacted by the proposed changes. Please DO NOT move forward on the new single-family zoning limits , which only address the concerns of a few , at the expense of all Mercer Island homeowners. Thank you so much.
228.	4/1/2017	Linda Kumin	I have lived on MI 32 yrs, and my partner Jack has lived here 8 years. I favor the City putting greater limits on sizes of homes in residential areas. I am concerned about preserving our suburban "forest," ground permeability, and run off, as well as aesthetic issues. Architecturally, the second floor setbacks may lead to poor design choices. I would rather have the entire setback increased. If people want huge houses, they might have to setback a wall or two. Keep up the good work in making our community livable and beautiful.
229.	4/1/2017	Mark Moseley	I just wanted to let you know that I am strongly in favor of the proposed residential downzone. I've lived on the island for 8 years and during that time I've seen the island start to change from a lovely, green, private residential community into a over developed, megahouse, suburban community that's lost it's direction.
230.	4/1/2017	Jim & Martha Fletcher	ThatWe concur with the text of the message that the Concerned Citizens of Mercer Island are sending you. Also, any change that only seven citizens of our Island could make, affecting the equity of our homes, that in most cases is the largest asset we own, needs to be put in front of all property holders for a vote.
231.	4/1/2017	David & Lorna Isenberg	We would like to voice our opinions regarding the proposed changes to the current residential development standards that are before the Mercer Island Planning Commission. Having reviewed the proposed changes and considering the potential impact, both positive and negative, that such changes would likely have on the quality of life we are fortunate to enjoy on Mercer Island we extend our support for the proposed changes. We believe the concerns and complaints voiced by the group calling itself "Concerned Citizens of Mercer Island" are grossly exaggerated and without merit. Thank you for the hard work and thoughtful deliberation that each of you have put into this process. You represent the residents of this community well and your service is very much appreciated.
232.	4/1/2017	Daniel Witmer	I support (at the various least) the proposed Residential Development Standards, in the belief that these revised standards will do MORE to preserve property values than no revision or any lesser revision. I believe MI's property values are mainly supported by visual and environmental character, with emphasis on nature, greenery, sunlight, open space. I also believe that homeowners who place more value on these real property aspects than on sheer square footage and heat energy demanding volume tend to be citizens who are more supportive of neighbors and city resources and projects. Please support/enact the proposed Residential Development Standards revisions.
233.	4/1/2017	Randee Maze	Please MOVE FORWARD on new single family zoning limits. They address the concerns of most Islanders. Don't let the developers & RE agents take away the character, quality of life, & uniqueness of our neighborhoods. I am a retired, 70 year old, 49 year resident of Mercer Island who is extremely concerned by the building trend I see in my neighborhood. Please move forward with the new zoning limits!
234.	4/1/2017	Ron & Randee Maze	We support the limitations on the amount of square footage that a single-family owner can build on their land. We further support code changes that will: 1) Implement a maximum house size for each residential zone. 2) Require a daylight plane setback 3) Require 30% tree retention on lots undergoing construction 4) Require front yard landscaping 5) increase side setbacks on large lots It is important that we protect Mercer Island's character and quality of life.
235.	4/1/2017	L Barber	Although there was a need to enforce zoning laws, the drastic limitations on the amount of square footage that a single-family owner can build on is overkill. Daylight plane setback would compromise the ability to utilize the actual square footage allowed even in the best of designs. 30% tree retention may be impossible to site on some lots. Considering what has been allowed on some lots now, (Think East Seattle) This is punishing the future lot owners because of transgressions of present lot usage.
236.	4/1/2017	Elizabeth McClure	We've heard the city is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.

	Date	Name	Comment
			<p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
237.	4/2/2017	Karen May & Dan Weeks	I am letting the Mercer Island government know that I fully support the new measure that limits sizing on home construction. I support it.
238.	4/2/2017	Clark Powell	<p>I'm am not concerned with what you might change in residential development standards for the rest of Mercer Island but I am convinced that the old standards and your proposed standards are not appropriate for the First Hill and East Seattle School Neighborhoods. In these neighborhoods what is lacking in the new rules is respect for their historic nature and the ambiance of these neighborhoods. My home was started in 1948 and had additions added in the 1960's and 70's. It's former owner, Jane Wherrrette, was a famous artist on Mercer Island since the 1960's. When she owned the house it was featured in the Mercer Island Reporter. I have updated the house and have tried to save some of Wherrette's design. It's design and history are unique on Mercer Island. Across the street lives the great grand daughter of the man who platted the Marymount subdivison. This home was purchased in the 1920's by her grandfather Elliot Marple. Both my home, her home, and many others in the neighborhood are negatively impacted by the new rules because they don't take into account the history and ambiance of the neighborhood.</p> <p>1.) Minimum lot size. In at least these two neighborhoods, First Hill and East Seattle School, the minimum lot size should be 5,000 sq ft. The present standard is 8400 square feet. So does this mean that my 6,000 sq ft lot is somehow a problem to the neighborhood? I doubt it because there are a number of 5,500 to 6,000 sq ft lots in the neighborhood. Smaller houses are part of the ambiance of the neighborhoods and a reason why this neighborhood historically has been more affordable for younger families. I think the 8400 sr ft rule should be applied to the rest of Mercer Island but NOT to First Hill and the East Seattle Addition. For example there was a lot across the street from me that was 60 feet wide and stretched across the entire block. Someone bought the home on the lot and built a giant home on the 12,000 sq ft lot and that house ruins the ambiance of the neighborhood. The minimum lot size of 8,400 sq ft made it impossible to subdivide the lot. But it would have been much better for the neighborhood if the developer could have created two 6,000 sq ft lots and then built houses on those lots. This also would have created two more affordable dwellings on Mercer Island.</p> <p>2.) The "new house rules" make it impossible for me to add sq ft to my home because I must change all four walls. I can guarantee to you that if I were to raise the house in order to add a daylight basement it would have little impact on the neighborhood. But, I'm not allowed to make such a small change because I would have to change all four walls and this would initiate the new house rules. The only way to increase the sq footage would be to tear the old house down and build a new one. New houses are fine and sometimes the old houses not are salvageable due to mold or rot but many old houses are in good shape and should be saved. It is the more affordable approach and I understand that home affordability has been an important issue of Mercer Island government. I also would also like to make the foundation earthquake proof but, again, the new house rules make it impossible.</p> <p>3.) The three car parking and two car covered parking requirement would be inappropriate to a lot smaller than 6,500 sq feet.</p> <p>I can't say what you should do with the rest of Mercer Island but for my neighborhood, the East Seattle Addition, please make rules that allow people to built smaller and more affordable houses.</p>
239.	4/2/2017	Susan Williams	I find it alarming that the MI city council is considering a downzone for residential property. It is difficult for me to comprehend how a small group of residents, who seem to feel they live in a planned community development, might persuade the council that their desire to control their neighbors' property trumps long-held, enforceable, property rights. If this minority doesn't like the way property owners remodel/construct/landscape, etc., they need to find a different way to deal with their own issues and not force their personal agendas on the rest of the MI homeowners. The council should not support an erosion of long-standing zoning regulations that residents have relied upon for many years simply because a select group fails to understand the basic principle of "property rights". The council members need to reassure residents that they understand and will defend the principle of property rights.

	Date	Name	Comment
240.	4/2/2017	Tom Bice	<p>I received a letter from from "Concerned Citizens of Mercer Island" regarding the proposed residential building regulation and code changes. The letter positions the regulations as bad for homeowners and request that they voice their descent at an upcoming meeting. Sounds more like "Concerned Developers..." rather than "Concerned Citizens..." None the less, I'm glad they sent this letter because it has motivated me to voice support for the proposed regulations and the reasons why.</p> <p>My wife and I are new residents to Mercer Island. We moved from Seattle in September 2016. One of the attractions to MI was the ability to escape the growing urban density of Seattle while still having convenient access. We've been very happy with our decision and have enjoyed exploring everything MI has to offer. During our short time here I've been surprised at what appears to be unsafe and loosely regulated residential development. At least that is the way it appears to me. Admittedly, I am not well versed on the building regulations. Ironically, I was never compelled to pay attention to while living in Seattle. Unfortunately, two of the current residential developments (The Grove - Green Bank Development and Barcelo Homes) near our home have created so much concern that I've had to learn about the building codes and regulations. Simply because I fear the development puts our home at risk of damage and reduced property values. Something I didn't expect to encounter on MI.</p> <p>I am "pro-development" and support individual property owners or residential developers right to improve their property and obtain fair value. However, it has to be reasonable, safe, and not completely abandon the culture and lifestyle that attract people to MI. I understand that time doesn't stand still, the Island does have to change, and we are part of an area that is experiencing tremendous economic and population growth. This needs to be accounted for but reasonably and safely. Unfortunately, what I am witnessing are developers looking to maximize the return on property at the expense of common sense. This is where I expect government to step in but it seems that developers have found ways around the current regulations, systems, and processes. Which again, has put the environment and neighboring properties at risk. The current approach allows developers to maximize their return on initial development, move on to the next project, leaving the new and established property owners to deal with the repercussions and negative impact on home values and quality of life.</p> <p>The two projects I've referred to above are examples of irresponsible and unreasonable development. In the case of The Grove, four homes are being built on a lot that is clearly meant to hold 1 home or 2 at best. In the case of Barcelo, there have been repeated violations on tree removal, road blockage, lot erosion/drainage, and diversion from approved plans. Not to mention building a home with a footprint encompassing ~80% of the buildable area. Whatever penalties are in place don't seem to change their behavior. Somehow, both of these projects have been approved by the City so the issue doesn't lie solely with the developers.</p> <p>Hopefully this letter will find its way to reinforce support of the proposed residential regulations and codes. In addition, I suggest increased financial penalties for violation. The revenue raised from fees would help fund the necessary staff to administer. I do believe the new regulations will continue to provide plenty of business opportunity for developers while also protecting residents, their property, and improve the long-term market value.</p>
241.	4/2/2017	Stephen Burgess	<p>I am writing this letter on behalf of my brother, Stephen V. Burgess, a Mercer Island single family residence property owner at 3508 96th Ave SE, Mercer Island, WA. 98040. Stephen does not have access to email and has requested I send this letter representing his views on the proposed new downzoning regulations.</p> <p>We have heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their property. This proposed downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability remodel or redevelop their home.</p> <p>In addition, Island residents, like myself, who have owned their homes for a very long time and are relying on home appreciation to fund retirement may be heavily impacted financially by the proposed changes; to the extent it jeopardizes their ability to fund future assisted living accommodations.</p> <p>Please do not move forward on new single family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners; especially Senior citizen single family home owners.</p>
242.	4/2/2017	Kristen & Stephen Bruner	<p>I have heard that the City is considering drastic, and over reaching, limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners, impinge upon my rights as an American, and restrict my ability to obtain a fair market value for my property.</p> <p>It is critically important to me and my family that we protect MI's character and quality of life, but I am also concerned about the deep reach you believe you had outside of the authority this Council has. These proposed changes will have unintended consequences that will result in over regulation, city costs, reduced property values, and the right of home owners to remodel / redevelop their home.</p>

	Date	Name	Comment
			<p>In addition, Island residents who have owned their homes for a longer period of time are relying on the appreciation associated with these primary assets to fund their retirement and may be heavily impacted by proposed changes. It is also not unnoticed that the free reign of Sound Transit on the Island goes unchecked and yet the rights of the lawful, voting, and tax paying residents are being restricted.</p> <p>Please do not move forward on the downzone propose - it is a solution for the few but doesn't address or solve the actual issue for MI homeowners.</p>
243.	4/2/2017	Linda & Peter Chen Tran	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redeveloping their home.</p> <p>In addition, island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impact by the proposed changes.</p> <p>Please, please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners. Thank you very much for reconsideration of this severely impact proposal.</p>
244.	4/2/2017	Cindy S.	<p>We moved to Mercer Island in 2013 and love it so much such that we decided to settle down here and bought our very first home on Mercer Island in 2014. We recently became aware of the new proposal to reduce building limit from 45% to 40% of the buildable area and are very concerned about this change. Our starter home is quite small but it was enough for both my husband and I when we moved in. However, last year our baby girl joined our family and we started to realize that our floor plan and size of the home is no longer functional for a growing family especially with a baby. We have been looking to purchase another bigger home on the island but since the housing market has gone up so high, we have difficulties finding a bigger home that's suitable for our family in an affordable range. Therefore, the default plan is to stay in our tiny home while saving up, then build a new home on our lot in a couple years. Our lot is fairly small, so 45% will barely allow us to build a dream home that is functional for our family. If the limit were to be reduced to 40%, we will lose the ability entirely to build a functional home for needs of our expanding family. We love the Mercer Island community and wish to stay. But if the 40% limit were to be implemented, we have no option other than looking outside of the Mercer Island for our next home. I am sure home owners on the Island with small lots have equal concerns as well. Thank you very much for taking our situation into your consideration and I hope the council will decide to keep the 45% limit after all.</p>
245.	4/2/2017	Maren Gilliland	<p>I hope you will rewrite the proposed changes to residential development. I have lived on Mercer Island since 1961 and would like to keep the feel and character of the island. I would also like to keep the value of my property. I have a dividable lot. To build on only 40% of the land would create very small houses thus decreasing the value of my property. Please do NOT vote for the downzone that would impact all single-family neighborhoods. Create a new plan.</p>
246.	4/2/2017	Mark Blumenthal	<p>We have owned our home for almost 23 years, and we want to subdivide our 26,000 sq. ft. lot to build a small home under 3,000 sq. ft. for our retirement home. I don't want you to implement any new regulations that will make it more difficult or prohibit me from achieving my goal.</p> <p>Also, I have been talking to several couples in the same stage of life as my wife and myself, and we all agree that we would like to find more options for smaller homes on smaller lots. Please do what you can to make this option more prevalent on Mercer Island.</p>
247.	4/2/2017	Drew Myers	<p>I hear some residents are expressing their concern about depreciated property values. There has been no proof or hard data for this claim. Based on mine and other's observations in other neighborhoods and cities, in the long term, the property values will actually increase over time, as there is less and less land in the Seattle area that has not reached maximum density levels. The more this occurs, the more in demand and special it will be to live on Mercer Island.</p> <p>So, again, please keep the maximum density of building area at a maximum of 40%. Thank you for working to keep Mercer Island special!</p>
248.	4/2/2017	Suma kosami	<p>We have heard the City is considering drastic limitations on amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict our ability to obtain a fair value for our property.</p> <ol style="list-style-type: none"> 1. The City is encroaching the rights of homeowners!! 2. Additionally, we do not want Mercer Island to be a "Planned Community".

	Date	Name	Comment
			<p>It is important to me that we protect Mercer Island’s character and quality of life, but I’m concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner’s ability to remodel or redevelop their home.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
249.	4/2/2017	Julia & Russell Reid	<p>We support the “Downzone” concept limiting lot coverage and tree removal on Mercer Island. Our neighborhood, East Seattle and First Hill have both been negatively impacted in various ways by overbuilding.</p> <ol style="list-style-type: none"> 1. Where once were “beach cabins” on small lots, developers have purchased the property, torn down homes and replaced them with oversized projects. 2. The building heights and foot prints have been out of proportion to the size of the lot and changed the character of the neighborhood. 3. Many of these “builders projects” have negatively affected the views of adjoining homes. 4. In this time of weather changes, torrential rains have precipitated slides resulting from excessive tree removal and elimination of ground covers. <p>For all of these reasons, we support reducing footprints, requiring 30% tree retention and limiting heights.</p>
250.	4/2/2017	Penny & Russel Elder	<p>We are unable to attend the public hearing of Wednesday, April 5th, but wanted to be certain that our opinion on the matter of the proposed building code change which would only allow for 40% development of lot, daylight plane setback, front yard landscaping and increased side setbacks on large lots. Although I understand the reasoning behind the code changes in that they are meant to maintain the small town feel and not allow the overbuilding we have seen in other areas, we believe this change would punish those of us who are retiring and are being forced to consider selling our homes due to rising property taxes by reducing our property values.</p> <p>As it stands, we have been offered quite a bit of money for our house “as is” by builders who wish to build a larger home in its place. The lot is not large enough for two homes. This home is our retirement fund, so the change in the code could be devastating for us. I haven’t lived on Mercer Island for 45 years to have the City Council take that away from me when all my neighbors have already sold and developed their properties at huge profits. This is not the same neighborhood I moved into all those years ago. If the City Council had done something about the overdevelopment 15 years ago, I could have understood it, but they haven’t protected the trees or required larger setbacks (which I still think they should) and they haven’t done anything to stop what’s happening down the road from me on both 86th Ave SE or 84th Ave SE. Large homes are being built and have been built all around me at the expense of the ambiance of the neighborhood feel.</p> <p>But what you now recommend is going too far and will be punitive for those wishing to purchase homes and move to the Island as well as those who find it necessary to sell and move from their homes here due to the cost of taxes and living in general. As long time residents (47 & 52 years) we request that you, as our elected official not implement this code change.</p>
251.	4/2/2017	Larry & Esther Barsher	<p>We are concerned about the City considering drastic limitations on the amount of square footage that a single family can build on their land. The present zoning laws already address this. Aesthetics are subjective. One person’s dislike may be the opposite of another’s view on the size and shape of a home.</p> <p>The proposed changes may impact the value of individual home owners to their detriment in that it likely would decrease the value of their property.</p> <p>Please do not move forward on new single-family zoning limits. Please ask yourselves if you are addressing the concerns of a few at the expense of all Mercer Island homeowners.</p>
252.	4/2/2017	Christopher McClure	<p>We’ve heard the city is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island’s character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner’s ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>

	Date	Name	Comment
253.	4/2/2017	Sam & Dee Goto	<p>We've heard the City is considering limitations on the square footage a single-family can build on their land. This would limit property rights for owners and their ability to obtain fair value for their property.</p> <p>It is important to us that we protect MI's character and quality of life, but concerned about any remodeling or redevelopment restrictions of our home when our daughter takes over our property.</p> <p>Please do not move forward on new single-family zoning limits.</p>
254.	4/2/2017	Mary Weber	<p>The newly proposed residential code should be implemented. I live on First Hill and developers are out of control. The greed of developers shouldn't be allowed to permanently change our neighborhoods. If they want to tear down and rebuild, that should be allowed of course but there have to be limitations.</p> <p>I looked on the MI website and couldn't find the latest proposal. I plan to attend tomorrow's meeting. My comments from the last I heard about the proposal:</p> <ul style="list-style-type: none"> • The number of houses/lot should depending on the size of lot. The last i heard, for First Hill, it was one house per 8500 sq ft. with 6000 sq ft lots, of course, grandfathered it. This is reasonable. On First Hill it's apparent that developers want to squeeze as many houses as possible on a lot. This isn't Ballard (which i love). • Trees and permeable surfaces are vitally important for ground stability. That should go without saying. • Reducing the % of the lot covered by a house from 45 to 40% shouldn't be a deal breaker for a developer. Again, greed shouldn't compromise our neighborhoods. • I think developers use decreasing property values as a scare tactic. Probably few individuals will be impacted. The actual numbers would be interesting. <p>I may be cynical, but my neighbors and i recently received letters from "Concerned Citizens of Mercer Island". Hmmm. More likely "Concerned Developers".</p> <p>We have to start reigning in the building sometime. It's true that a few people who sold before the new codes could have made more money selling than some people after. That's always going to happen and it's not a reason to stop new codes from being implemented.</p>
255.	4/2/2017	James Gilchrist	<p>We understand the city is considering realistic, appropriate, and much needed code changes regarding residential buildings. We applaud these proposed changes which will help keep the residential community feel to our neighborhoods. The current new development is huge, industrial style and totally out of neighborhood character. Thank you for maintaining the look and feel of our existing neighborhoods.</p>
256.	4/3/2017	Deborah Banker	<p>First, thank you for considering means to decrease the high-density urbanization of Mercer Island. I have lived on the island for more than 25 years, and am very concerned that priorities seem to have increasingly gone to tax base and to business interests in general, rather than to the quality of life of Mercer Island residents. About 10 years ago, I lost my view of the water (one of the selling points of my home) when a homeowner was allowed to build up and out. So, I know too well that the rights of builders/remodelers are not the only rights that should be considered in a well-functioning community. When I inquired at the time, I was told that the house in question was expanded to every inch of its allowance. One by one, this has happened throughout my neighborhood and we are less and less able to see the beautiful surroundings that once made my north-end neighborhood so desirable. The environment, the character of a neighborhood, the quality of living in that community impact property values too!</p> <p>Therefore, I applaud your considerations of:</p> <ul style="list-style-type: none"> • New limits on house size and bulk • Wider side setbacks between homes • More tree protection • Reduced construction hours <p>I have received the mailing from "Concerned Citizens" (i.e. builders and other conflicted parties) that suggested I urge you to defang these timely and much needed ideas. I feel compelled to instead write to strongly support these efforts. New Mercer Island homeowners move to the island for shorter commutes, good schools AND livable neighborhoods. The huge growth in condos/rentals in the north-end business area has already led to significant congestion, which will be further exacerbated by the impending ST3 mess (unless the Council can negotiate sensible and historically-supported allowances). At least for now we can return to our neighborhoods after shopping and enjoy some escape from density.</p> <p>I do not believe that any one property owner has the right to change a neighborhood to their liking. I do not believe that property values will fall because sensible limits are in place to uphold the character of an entire community. I myself am nearing retirement age and do not fear that my house will have a less-than-fair market value if the new limits are activated. In fact, I think these sensible and overdue limits are in the interest of the many.</p> <p>Thank you again for your time and efforts to protect Mercer Island citizens from unfettered growth.</p>

	Date	Name	Comment
257.	4/3/2017	Kenneth & Micaela Brostrom	<p>1. We fully support the proposed code amendments, and commend the planning department, planning commission and city council for addressing this complex issue. If current regulations have been largely unenforceable in the past because they were too vague, the proposed regulations make clear the standards that should have been in place all along.</p> <p>2. For some time, we have been dismayed at the increasing number of houses being demolished and replaced with mega-million-dollar mansions out of scale with their neighborhoods, and replacing more modest - and possibly more affordable – homes. Mercer Island’s housing diversity is one of its attractions, drawing residents of diverse age and economic circumstance. Mercer Island is a healthy, vibrant community because of its diversity. If the number of multi-million dollar houses continues to increase at the expense of diversity in housing choices, Mercer Island will become nothing more than a gated enclave of multi-millionaires and all sense of a diverse community will be lost.</p> <p>3. It appears that the principal arguments against the proposed regulations are that they violate property rights, lower property values and are too onerous on property owners. These are red herrings by those who would exploit the entire community for their own personal gain, turning their backs on the rights of other – and neighboring – properties, and flouting their property ownership responsibilities. And, in fact, the exact opposite is true. The proposed regulations protect property values by providing certainty for property owners and neighbors, respect the property rights of other – and neighboring – property owners and property rights of the entire community, recognize the responsibilities of property ownership to the commons, and provide provisions for variances and appeals.</p> <p>4. When land-use regulations were first mandated in the 1970’s, implementation was dependent upon voluntary compliance by landowners, and constant vigilance by everyone else. Now, 40+ years later, regulations have become more comprehensive, complex and, for most people, confusing. Compliance can no longer be dependent upon citizens themselves, but requires a commitment on the part of the governing body to enforce the regulations uniformly and professionally. Without this commitment, regulations simply will not work and the result will be erosion of the values of the community we all share.</p> <p>5. A final note: We have been residents of Mercer Island for 47 years; same house, original owners. A few weeks ago, we received a letter from a local builder interested in buying our property in order to build a “high-end” no doubt mega-million dollar house. Insulted, we threw the letter away. Why should we sell our well-maintained home which is perfect for us to age in place, so that a builder could make millions constructing a house we couldn’t afford to live in? Where did he expect we would live? Or did he assume that we would just fade away, that elderly citizens and home owners are disposable for the purpose of his self-interests? Is this to be the future of the Mercer Island Community?</p>
258.	4/3/2017	David Weber	<p>The newly proposed residential code should be implemented. Developers should be reigned in. Greed shouldn't be allowed to permanently alter our neighborhoods.</p> <p>My neighbors and I, on First Hill, recently received letters from "Concerned Citizens of Mercer Island". Perhaps it'd be honest to say "Concerned Developers of Mercer Island". The letter is full of scare tactics.</p> <p>I plan to attend the meeting on April 5th. I've attended other meetings.</p>
259.	4/3/2017	Jonathan Shakes	<p>The City Council’s Vision Statement supports the “protection of environmental values” on our island. Consistent with this vision, I would like to see ways beyond the protection of trees that our Residential Standards can move us towards a more sustainable environment. For example, we might: -- Follow Kirkland’s example and provide faster processing of permits for “green” construction. (see http://www.kirklandwa.gov/Residents/Community/Kirkland_Green/Green_Building/Priority_Permit_Review.htm) -- During remodeling and rebuilding, provide incentives for the existing construction materials to be deconstructed for re-use or recycling, rather than the cheaper but more environmentally harmful practice of demolishing old houses. -- Allow additional utility meters to be installed on existing large houses, making it easier for extended families or friends to live together there. -- Add another signed document to the escrow process, on which Buyers and Sellers reach agreement about the energy-related performance of the building being sold. This energy performance evaluation would avoid the scenario where high utility bills become an unpleasant surprise a few months after the new owners move in.</p>
260.	4/3/2017	Art & Pat McGougan	<p>We have heard rumors of new changes coming to Mercer Island. We have lived here many years, and feel that there are enough restrictions to live by. We pay our taxes, pay for our house and yet can't cut down a dangerous tree. We would like to sell our house some day, but with the new limitations that may be hard to do. We have heard from Contractors over the years that they don't like working with the city to get permits, so some of the new rules would make it even harder. We live here because we don't have the limitations that some areas have.</p> <p>Please reconsider that old time residents before you move forward. New buildings in the downtown area seem to have the privilege of building right up to the sidewalks or streets, and take down trees that are in their way.</p>
261.	4/3/2017	Ellis Cohen	<p>I understand that the Council is considering revisions to MI zoning that would *add* significant constraints to what property owners can (or must) do with their property -- including limiting the "buildable" area, requiring front- yard landscaping, and increasing setbacks.</p> <p>I value MI's quality of life, but these changes would restrict my (and others') ability to remodel or redevelop my/their home. Also, these changes would almost certainly reduce the value of my home, impacting my financial plans for retirement.</p> <p>Please consider these concerns and do NOT proceed with making these revisions.</p>

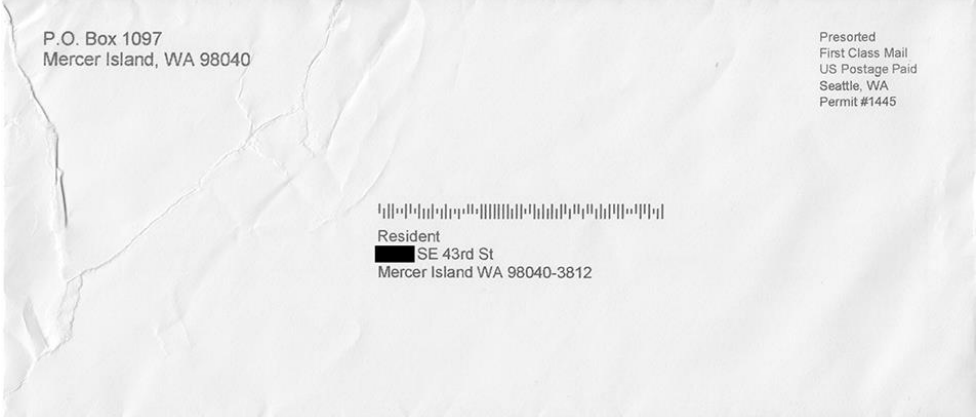


	Date	Name	Comment
262.	4/3/2017	Joe Naeseth	<p>We've heard that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
263.	4/3/2017	Robin Russell	<p>I am in favor of the new residential development code regulations and am very disturbed by the incessant scare tactics, letters, emails and postings on ND, Facebook and other social media by outside groups such as real estate professionals and builders. These groups often hide behind "concerned citizens of MI" but never actually sign their names. On ND there was a lively discussion with a women who was obviously in favor of larger homes. After days of conversations it was discovered the original post was an exact copy of another letter posted on other sites AND this women who was in favor of McMansions was a real estate agent. After this was discovered she went silent and stopped commenting. These organizations hope to scare elderly residents that these code changes will drive their property values down so the citizens won't be able to afford assisted care (and the builders and agents can buy their houses on the cheap). They couldn't care less about these citizens' property values. They only care about their commissions after they buy those other citizens' houses cheap and build a McMansion on the lot.</p> <p>Houses on MI are not more expensive because they are larger. Unincorporated King Co. has very few land use regulations, and houses there can be quite large or apartments, condos and townhouses within the city limits are quite dense. Unincorporated KC also has the lowest property values in all of King Co. Houses on MI are more expensive because of neighborhood character, schools, safety, and all the effort generations of citizens have put in to preserve those characteristics.</p> <p>The new restrictions do not address house size, they address the house to lot size ratios. This group of builders and developers and real estate agents who are unwilling to pay the price for a larger lot, or buy off Island, but who want to build oversized and out of scale house on smaller, less expensive lots and if it saves a buck cut down every single tree on the lot. Often the client isn't even going to live in the house, but is some off Island investor who doesn't care about the area and community-only about making a quick buck.</p> <p>It is very concerning and telling that these agents and builders, some of whom are Island residents, are so willing to kill the goose that lays the golden egg -- neighborhood character and consistency according to our comprehensive plan -- and destroy other people's neighborhoods if it puts a few extra dollars in their pockets.</p> <p>And they are so blinded by money they don't even realize the irony is that their greed will end up diminishing the value of all the neighborhoods. But they just don't care about other people, or other people's homes, or other people's neighborhoods. They only care about their profit and their commission, and yet offer so little in return.</p> <p>I have lived on Queen Anne Hill and Magnolia and have seen first hand what density and McMansion building can do to a community and irreparable change it to the negative. I urge you to approve comprehensive design regulations that limit house sizes to lot sizes, keep trees and other greenery and replace trees with twice as many for ones removed, increase setbacks and eliminate exceptions to the regulations.</p> <p>I am a "concerned citizen of Mercer Island" and want to see this community maintain its character and community realizing that growth is vital for a vibrant community. Growth needs to be thoughtfully managed and I believe the recommended Design Development Code changes will do a lot to protect MI and manage this growth.</p>
264.	4/3/2017	David McLaughlin	<p>It appears the City of Mercer Island and its council members are about to overreach once again. Remember when the City Council tried to restrict the use of our docks, and the attempt to criminalize cutting trees on one's own property.</p> <p>It's high time the City of Mercer Island and its so-called representatives back off and let people exercise their rights, rights not to be controlled by governing bodies.</p> <p>I will attend the meeting on Wednesday to let you know more about how many of us feel.</p>
265.	4/3/2017	Balthasar Wyss	<p>I am very concerned about the changes the code changes that are being discussed by the Mercer Island city council.</p> <p>My concerns are twofold:</p>

	Date	Name	Comment
			<p>1. Inefficient Permit Process: We are in the middle of applying for a house remodel/expansion, and our experience so far working with the MI City staff has been terrible. There are not only a significant amount of reports required but worse, the staff is changing some of the requirements at will, making the complete building permit submission process overly difficult and onerous, not to speak of the length and cost it takes to get a permit. To give you just one of many examples we experienced in our journey dealing with the MI City so far, we initially were asked to submit an arborist report. After we submitted the arborist report in line with the stated requirements, the city arborist told us that the report needs to be written by a TRAQ-certified arborist. Nowhere was this mentioned in the initial requirements doc. As a result, we had to pay several hundred additional dollars to have yet another arborist report written up which came to the exact same conclusions as the original report as far as tree removal and treatment is concerned.</p> <p>2. Government Overreach: The government should limit its involvement in the building permit process to ensuring that the neighborhood remains safe and healthy. The current regulations go well beyond that, including regulating the aesthetics of buildings and properties. To use the example of above, the arborist dictates how many trees and what kind of trees should be on our properties. In my mind, this is a clear case of over-regulation and government overreach. I urge the City Council to restrain making the building code even more complex and restrictive and better focus the energy and attention on simplifying the building application process.</p>
266.	4/3/2017	Thomas Alexander	<p>TREE CODE</p> <p>Most of my following comments and suggested changes to the Code Draft for trees are presented with the goal of preserving as many large trees on our Island as possible since I feel they provide a large part of the character we love about our island. The larger trees, 50 to over 100 years old, are irreplaceable.</p> <p>19.10.050 (B) Residential Requirements; Change to require that 50% of all large and 50% of all medium trees be retained as a minimum. This 50% should not include trees on critical slopes which are to be retained anyway.</p> <p>Chapter 19.16 Definitions Large Tree; Change to: Any conifer tree with a diameter of 24" or more or any deciduous tree with a diameter of 30" or more. This will prevent smaller trees from being used to off set the 50% retention of these large trees.</p> <p>Medium Tree; Add: Any conifer tree with a diameter between 12" and 24" any deciduous tree with a diameter between 18" and 30".</p> <p>19010.010 (I) Purpose and Intent ; delete: " reasonable enhancement of property view".</p> <p>19.10.080 (2) Tree retention prioritization; change to: large coniferous trees with a diameter of 30" or greater.... Delete (B) and (C) to eliminate 1.5 fractional rating for large trees.</p> <p>Trees on critical slopes over 25 degrees should not be included in the calculation of tree retention.</p> <p>19.10.090 Tree Protection Standards; Add: (5) Tree protection Barriers shall be inspected and approved by the City before any development work begins which requires heavy equipment such as tree removal. It needs to be vigorously enforced by the City.</p> <p>19.10.140 Enforcement; Add: (3) Contractors who remove or relocate Tree Protection barriers will be warned for first offense, fined \$500 for the second offense and fined \$1000 for all future offenses.</p> <p>19.10.070 Bald eagle protections and other Federal and State requirements Should be retained. (We have many nest trees on the island; these need protection.)</p> <p>19.10.150 Land Mark Trees (Historical Trees); Add: All conifer trees over 40" in diameter will be given the same protection as Land Mark Trees, the highest priority by the City for protection. The City will give incentives to property owners to designate all these trees as Land Mark Trees.</p> <p>10.10.030 (E): "Describe the impact of necessary tree removal to remaining trees, including those in a grove or adjacent properties." (This is a good addition to the tree code.)</p> <p>DEVELOPMENT STANDARDS</p>

	Date	Name	Comment
			<p>I feel that the mega houses we see being built on small redevelopment lots today are destroying the character of the Mercer Island we love. We need to restrict the amount of gross floor area which is allowed. This in turn will assure over the long term the value of our properties.</p> <p>19.02.020 I. Gross Floor Area</p> <p>The percentage of lot area should be as follows dependent on zoning designation:</p> <p>R-8.4: 40 percent</p> <p>R-9.6: 40 percent</p> <p>R-12: 3.5 percent</p> <p>R-15: 3.5 percent</p> <p>The limit on gross floor area should be as follows dependent zoning designation:</p> <p>R-8.4: 5,000 square feet</p> <p>R-9.6: 7,000 square feet</p> <p>R-12: 8,000 square feet</p> <p>R-15: 8,000 square feet</p> <p>Gross floor area calculation should not include area on critical slopes over 25 degrees as lot area.</p> <p>The number of lots that could be combined to increase Gross Floor Area should be limited to two.</p> <p>19.02.020 E. (2) Lot Coverage</p> <p>Maximum Impervious Surface Limits for lots limited by slope should be retained with no deviations allowed.</p>
267.	4/3/2017	Carl Meyer	<p>INITIAL PLANNING COMMISSION DRAFT Residential Development Standards Please consider the following comments. 1. Construction Work Hours- 8.24.020 Types of nuisances. Reducing available construction work hours by 3 hours a day on most days and all day on Sunday and legal holidays has at least two problems. One, it will increase construction costs. Two, and most important, it will significantly increase the days to complete each project. Neighbors might not be impacted by the increased costs, but they will certainly have to endure projects lasting longer with all the related traffic and other impacts. Construction activities during the fall and winter months probably would be little impacted but it makes little sense to waste the long and dry daylight hours of summer. As someone who has experienced neighborhood construction for the last 2 years I can say that the priority should be to get the projects done as fast as possible. The current provisions should remain in place. I do not favor changes that effectively increase the number of days to complete construction projects. 2. Balancing Community Values- 19.02.005 Purpose and applicability. It is stated that the city's goal is to balance community values inherent in neighborhood characters with property values. But the reality is that the character of many neighborhoods has already drastically changed. Balancing values now would reward those who already made it in while out of character with the neighborhood - and penalize latecomers. You cannot bring back the old character once it is gone and the old character of the Island is long gone. Balancing values at this date is closing the door after the horse is out of the barn. Look at 40th St. from Island Crest to 91st Ave and cogently define the neighborhood character. Things are simply what they are. There is real resentment when some attempt to impose their opinions on others, and few are willing to have property values reduced. The entire purpose of this plan is flawed from the outset and I really doubt that many residents have a problem with the current standards at this point in time. Years ago perhaps, but not today. 3. Landscaping- 19.02.020 L. Front yard landscaping. For new construction</p>

	Date	Name	Comment
			<p>and certain remodels there would be a requirement for landscaping. "The landscaping shall be designed to enhance the neighborhood character. The landscaping should be designed to screen and soften the appearance of existing and proposed buildings, to enhance the quality of the environment, to screen undesirable views, and create identity sense of place." This is similar to those dreaded Covenants, Conditions, and Restrictions (CC&Rs) found in sterile new community developments in other places. However, the new house or remodel may 'enhance' the neighborhood in the opinion of some but all the other houses likely do not so everyone is being treated differently. What does that accomplish? 4. Trees- TREES 19.10.010 The Purpose and intent is stated as follows: ["The purpose of this chapter is to prioritize the retention of large, healthy trees on Mercer Island. The intent of this chapter is to promote the public health, safety, and general welfare of the citizens of Mercer Island, and to protect large, healthy trees as a community resource, and to protect neighborhood character. The city further acknowledges that the value of trees should be balanced with the other community goals of: G. Providing delivery of reliable utility service, ; H. Reasonable development of property; and, I. Reasonable preservation or enhancement of property views."] This goes much too far and is inconsistent at its core. In many cases, it is those who have no trees on their property that want to force others to keep trees because they like the aesthetics without the upkeep requirement. In other cases, a property owner whose property is significantly impacted by constantly falling limbs, cones, needles, etc. on the roof and driveway would like to have the neighbor cut the offending trees. I can also tell you that anyone who lives under one of the large evergreens fears, or should fear, for their life with every storm. And what about those who purchased view houses which once had grand and beautiful views of Lake Washington and Bellevue before the views were completely obstructed by the growth of new and ever taller trees? I can show you pictures. Should not those trees be required to be cut or topped to restore the views? It simply cannot be disputed that my neighborhood character at that time involved great views and fewer tall and dense trees. So then at what point in time do we take a snapshot of the neighborhood character in any particular area and maintain it? Or do we simply recognize that the neighborhood character is simply what it is at that particular point in time and it will change whether anyone likes it or not. Legislating neighborhood character makes no sense. Also, consider the snow storm of February. How many trees and limbs fell onto power lines and in the streets and onto houses and other structures? How many residents lost power then and in other storms as a result of falling trees and limbs. Drive around the island today and you will still see damaged and leaning trees almost everywhere. How does a draconian tree ordinance promote safety and the general welfare by protecting these trees that may be fine today but will be a problem in the next storm? There is a simple solution. Continue to allow individual property owners the right to keep or cut trees on their property. The current provisions are adequate. What is really important is to continue to protect the slopes. The last 3 years have seen over 40 inches of rain in the October to March period and the landslide risk has been downright scary according to the USGS forecasts. That pattern is expected to continue with climate changes we are experiencing. It is entirely appropriate and necessary to prohibit the cutting of trees and removing of vegetation on and close to the island slopes. No construction on slopes should be allowed as well. The city has already gone too far in this regard. We need to protect the hazard zones as the priority. 5. Other- Perhaps the city should look to what has happened with the street right of ways. Currently, there are streets with shrubbery enveloping the right of ways and extending out into the streets, as well as obstructing drivers views at intersections and other points. No one from the city has apparently been concerned about that. Perhaps the city is not responsible or has no authority over these street easements except for widening the street. But that is more a problem than anything addressed in the draft changes. I am well aware that the proposed changes to the single family residential area development code has no doubt been prompted by the demolition of smaller older houses and new construction of larger structures. How many residents in older homes have received letters from investors and developers wanting to buy off market? But this has been happening to one extent or another for the last 20 years. It is true that many Islanders who bought in the 1990's or before could not afford to buy a house here today. That will not change with these proposed changes. One must recognize that the Island is not diverse and never will be. And whether people admit it or not, some come to the Island because of the lack of diversity. While the city council has heard concern from some residents about the changing character of neighborhoods according to the executive summary, I suspect the majority of residents do not share that concern. At this point in time it is more prudent to protect the slopes but allow market forces to decide whether it is feasible to buy existing housing to demolish and replace with larger structures; and allow property owners the right to cut a tree on their property.</p>
268.	4/3/2017	Elona Sanford	<p>I have heard that the City is considering drastic limitations on the amount of square footage a single-family owner can build on their land. The proposed changes will reduce my property value if I decide to build on it and/or sell it. The proceeds which I would plan to use for retirement would be negatively impacted by your proposed changes. Your proposed downzoning therefore limits my property rights and it is a restriction on the fair market value of my property on which I have paid taxes for many years. I am asking that you not move forward on these single-family zoning limits that address the concern of only a few people at the expense of many.</p>
269.	4/3/2017	Julia & Russell Reid	<p>We support the "Downzone" concept limiting lot coverage and tree removal on Mercer Island. Our neighborhood, East Seattle and First Hill have both been negatively impacted in various ways by overbuilding.</p> <ol style="list-style-type: none"> 1. Where once were "beach cabins" on small lots, developers have purchased the property, torn down homes and replaced them with oversized projects. 2. The building heights and foot prints have been out of proportion to the size of the lot and changed the character of the neighborhood. 3. Many of these "builders projects" have negatively affected the views of adjoining homes. 4. In this time of weather changes, torrential rains have precipitated slides resulting from excessive tree removal and elimination of ground covers. <p>For all of these reasons, we support reducing footprints, requiring 30% tree retention and limiting heights.</p>

	Date	Name	Comment
270.	4/3/2017	Mou Cheung Ng	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
271.	4/3/2017	Terry & David Magaram	<p>The letter dated 3/28/2017, warning all MI homeowners of diminished home values if the proposed changes in residential zoning laws are adopted, is bogus. It is the land value of existing homes that they are concerned about. The developers and realtors hoping to make quick megabucks are simply looking out for their own interests. Most MI homeowners are planning on living in their homes and hope to retain their quality of life.</p> <p>Please protect the character of our neighborhoods. It is that character that supports our home values.</p>
272.	4/3/2017	Miyuki Tomura	<p>We've heard that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important me that protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeonwers.</p>
273.	4/3/2017	Richard Deno	<p>We've heard that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important me that protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeonwers.</p>
274.	4/3/2017	Alex Silverman	<p>I'm supportive of the new zoning idea, to keep there from being too many oversized single-family homes built on small lots.</p> <p>I do not agree with the anti-"downzoning" views expressed in the recently circulated "Concerned Citizens of Mercer Island" letter. (Who is behind that, anyway?)</p>
275.	4/3/2017	Pete Gonzalez del Solar	<p>FYI today I received this suspicious letter from "Concerned Citizens of Mercer Island." It urges neighbors to contact the city council regarding the upcoming residential building code reforms.</p> <p>If you receive any such responses, please be aware that:</p> <ul style="list-style-type: none"> - Anyone who responds using the sample text ("Please do not move forward on new single-family zoning limits") is probably well-intentioned, but misinformed. - The letter does not fairly represent the issue. It claims the regulations "will mean significantly lowered values for homes and a sizable competitive disadvantage for sellers" -- a gross oversimplification at best!

Date	Name	Comment																					
		<p>- The letter pretends to be from "citizens" of Mercer Island, but its authors hide behind an anonymous PO box. They did not even sign their letter! (Despite providing phone numbers and e-mails for 7 different city council people.)</p> <p>Many of us actual citizens are tired of oversized "McMansions" crowding our neighborhoods. Please don't allow a minority of greedy builders to manipulate the legislative process by using subversive methods. (Big houses are fine of course, if they are appropriately sized for their lot.) Thank you!</p>  <p>P.O. Box 1097 Mercer Island, WA 98040</p> <p>Presorted First Class Mail US Postage Paid Seattle, WA Permit #1445</p> <p>Resident SE 43rd St Mercer Island WA 98040-3812</p> <div style="display: flex; justify-content: space-between;"> <div data-bbox="584 830 1205 1679" style="width: 48%;"> <p style="text-align: center;">Concerned Citizens of Mercer Island</p> <p style="text-align: center;"></p> <p>March 28, 2017</p> <p>Dear Mercer Island Homeowner:</p> <p>The City of Mercer Island is currently considering a downzone that would impact all single-family neighborhoods – limiting your property rights and diminishing your home value.</p> <p>If approved, the downzone would have a chilling effect on property values, limiting homeowners to using only 40% of the buildable area on their lots.</p> <p>If this government over-regulation becomes law, it will mean significantly lowered values for homes and a sizable competitive disadvantage for sellers—with onerous regulations for those who want to add-on or redevelop their property, and dramatically fewer options for buyers.</p> <p>In addition to the buildable lot limitations, the code changes will:</p> <ul style="list-style-type: none"> • Implement a maximum house size for each residential zone • Require a daylight plane setback (upper floors would have to be smaller than lower floors resulting in limited floor plan options for buyers) • Require 30% tree retention on lots undergoing construction • Require front yard landscaping • Increase side setbacks on large lots, often reducing building footprint <p>Speaking Up is Easy – Here's How to Help:</p> <p>Mercer Island City Council is having its only public hearing on this topic at 6:00 p.m. on Wednesday, April 5th, 2017 at the Mercer Island Community & Event Center.</p> <p>Please plan to join us and either:</p> <ol style="list-style-type: none"> 1) Show your support as an audience member. 2) Provide public comment as a concerned homeowner, voter and Mercer Island resident. <p>In addition, we strongly encourage property owners to email the City and voice your concerns. You may use the text below and/or customize as you wish.</p> <p>Please send to: residential@mercergov.org (this will reach City staff and all Council members).</p> <p><i>It's very important that the City hear from a strong showing of concerned neighbors via email and at the public hearing. If they do not, it's likely they will vote on these changes as soon as April 19th, 2017.</i></p> <p><u>Email Text:</u></p> <p>Dear Mercer Island Council Members:</p> <p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p style="text-align: right;">1</p> </div> <div data-bbox="1205 830 1836 1679" style="width: 48%;"> <p style="text-align: center;">Concerned Citizens of Mercer Island</p> <p style="text-align: center;"></p> <p><i>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</i></p> <p><i>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</i></p> <p><i>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</i></p> <p>Learn More About the Proposed Changes</p> <p>You can also read more about the proposed changes at www.mercergov.org. From there, click on Departments, then Development Services, Land Use / Planning and then Residential Development Standards Update.</p> <p>Thank you for your time and help protecting Mercer Island property rights.</p> <p>Mercer Island City Council</p> <table border="0"> <tr> <td>Bruce Bassett – Mayor</td> <td>bruce.bassett@mercergov.org</td> <td>(206) 275-7991</td> </tr> <tr> <td>Debbie Bertlin - Deputy Mayor</td> <td>debbie.bertlin@mercergov.org</td> <td>(206) 275-7995</td> </tr> <tr> <td>Dan Grausz – Councilmember</td> <td>dan.grausz@mercergov.org</td> <td>(206) 275-7994</td> </tr> <tr> <td>Jeff Sanderson - Councilmember</td> <td>jeff.sanderson@mercergov.org</td> <td>(206) 275-7997</td> </tr> <tr> <td>Wendy Weiker – Councilmember</td> <td>wendy.weiker@mercergov.org</td> <td>(206) 275-7992</td> </tr> <tr> <td>David Wisenteiner – Councilmember</td> <td>david.wisenteiner@mercergov.org</td> <td>(206) 275-7996</td> </tr> <tr> <td>Benson Wong - Councilmember</td> <td>benson.wong@mercergov.org</td> <td>(206) 275-7993</td> </tr> </table> <p style="text-align: right;">2</p> </div> </div>	Bruce Bassett – Mayor	bruce.bassett@mercergov.org	(206) 275-7991	Debbie Bertlin - Deputy Mayor	debbie.bertlin@mercergov.org	(206) 275-7995	Dan Grausz – Councilmember	dan.grausz@mercergov.org	(206) 275-7994	Jeff Sanderson - Councilmember	jeff.sanderson@mercergov.org	(206) 275-7997	Wendy Weiker – Councilmember	wendy.weiker@mercergov.org	(206) 275-7992	David Wisenteiner – Councilmember	david.wisenteiner@mercergov.org	(206) 275-7996	Benson Wong - Councilmember	benson.wong@mercergov.org	(206) 275-7993
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	Date	Name	Comment
276.	4/3/2017	Johan & Helena Valentin	<p>Thanks for your email this weekend. I thought it was very good that you cleared up some of the misconceptions about the facts surrounding the planning commission's proposed changes to the residential code. As you rightly pointed out there indeed has been public events to discuss the proposed changes. I attended one of them at West Mercer Elementary a while back myself, it was very informative. My impression from the West Mercer meeting was also that there are a lot of heated, sometimes emotional views that may not always be so objective. So, I attempt to be more objective in my feedback below to you and the city staff.</p> <p>You correctly refer to the proposed code changes as having an objective to address complaints about mega houses. However, after attending the event at West Mercer, discussing with city staff and doing some research on my own, I do believe there is one area of the proposed code change that does in fact inadvertently impact "normal" single family homes. I am specifically thinking about the daylight plane rule. For example, with that rule in effect, none of our 4 closest neighbors could have built their houses. They do not have mega homes. Those homes are ~4,000 sqf homes on ~15,000 sqf lots. The daylight plane rule that the planning commission is proposing would have made almost every 2 story home on the island prohibited.</p> <p>I am writing because I do want to make my voice heard. We own a vacant lot that we have active plans with the city to develop and to build our retirement home. A normal size home, nothing extravagant or a mega home by any means. However, with the daylight plane rule in place, building what we want would all of a sudden be impossible because the lot is relatively narrow. We have been paying taxes on the property for several years. So, we feel that we are unfairly punished for rules intended for mega homes now impacting normal house builds.</p> <p>Don't get me wrong, I am all for the landscaping, tree retention and GFA limitations. But this daylight plane rule would impact every 2 story house planning to be built under very normal circumstances, which I believe is an unintended consequence of the ultimate objective for the code changes.</p> <p>Please consider altering the proposal to not include the daylight plane rule.</p>
277.	4/3/2017	Dan DiPasquo	<p>I am writing in brief response to the letter I received from the so-called Concerned Citizens of Mercer Island. I do not know who is behind this group, but I would be surprised if they were in fact people with a vested long term interest in the livability of Mercer Island. Oversized homes, and multiple homes replacing what was a single home previously, goes beyond aesthetic value, but I fear will eventually greatly stress the city's resources; roads, utilities, schools, etc. From my observation, many or most of these large homes and subdivided lots are currently being built "on spec" by builders like JayMarc, RKK Construction, etc., who will make their profits in the current real estate boom at the cost of the rest of us living here on the island. To be clear, I support the city council's consideration of all of those specific items that the letter from "Concerned Citizens" asked that I write in to object, and more generally I support any rule changes that are made in favor of the "livability" of Mercer Island over maximum profitability.</p>
278.	4/3/2017	Velta Benson	<p>Please do not move forward on new single-family zoning limits for Mercer Island, which would restrict my ability to remodel my home either for myself or sale to larger family which could have several bedrooms and/or family rooms upstairs with view and western sunshine in late evenings. The upstairs is already larger than the bottom base. If I sell, the new limitations on building or rebuilding on my large lot would significantly diminish the value of my home. I am relying on this home which my husband and I built over 40 years ago, to provide for myself. I have no objections to the large nice homes being built on Mercer Island which is the center of this region between two major cities and mostly owned or needed by people who work in these cities and require and can afford and maintain such homes. Since my husband recently died, this truly is my sustenance for anticipated old age. I am 75 years old and retired, and love living here where I did when I was 8 years old. The Island has developed into the most admired place to live in all of the United States, or close to it. It would be more than a shame to make this valuable and beautiful place to live into a development of small restricted buildings for folks who might not even afford them. There are truly beautiful smaller quality homes on the island for folks who do not appreciate the larger new homes that are being built. These kind of restrictions on our homes, property and lives, look to me akin marxist/communist control from which my family/folks escaped to this land of freedom. Let's keep it free.</p>
279.	4/3/2017	C. Jeffery Small	<p>I have reviewed the proposed revisions to the Residential Development Standards and I am completely opposed to all of these changes, as well as the philosophy driving them.</p> <p>Contrary to the absurd assertion in the new language, there is no such existential thing as "community values" (Page 16). Values are only possible to living and thinking individuals. When the document claims:</p> <p>"The city's goal is to balance community values inherent in the neighborhood character with property values."</p> <p>what this is clearly saying is that, "we're tossing out some mumbo jumbo as a weak excuse to justify the further theft of your property, and we hope you property owners are too stupid to recognize this." Well, the emperor has no clothes and we are smart enough to see that. Property belongs to the individuals who purchase it and the city has no business asserting control over and destroying our actual property rights in the name of some fiction called "community values."</p>

	Date	Name	Comment
			<p>The job of the mayor and council is to protect the rights of the residents of this city—not abuse them. With this proposal, the city bureaucracy has simply asserted the authority to impose your standards upon the rest of us—something to which I never agreed and which I certainly do not authorize. The authoritarian nature of the proposal is made clear when the document states:</p> <p>“... while also allowing flexibility in the project design.”</p> <p>Allowing? Allowing!! We’ve come full circle. Where is the concept of private property rights represented in such a statement? Where is the freedom of every individual to control their life and property as they see fit while pursuing their own happiness? This language makes it clear that rights are not an issue. Instead, the control of all property belongs, by simple assertion, to the state and certain privileges may be dolled out by a higher authority, as it sees fit.</p> <p>The numerous specific details of the revised standards are unimportant. They are almost uniformly bad for everyone, but they should not be opposed on a case-by-case basis, as to seriously discuss them is to concede the city’s right to engage in these actions at all. I do not. I reject the entire enterprise and urge each of you to recognize the inherent abuse being done to every property owner on Mercer Island. Please block these oppressive restrictions and instead work to return not less but more direct control to each person over their property.</p>
280.	4/4/2017	David Youssefnia	<p>I'm writing to request that the planning commission changes the code to allow for newer sport courts made of non concrete/cement material to be classified as pervious material. Sport courts from the 1970s and 80s were primarily made of impervious material and hence the code views these as categorically impervious. However there's newer technology today with third party infiltration studies that document acceptable levels and rates of drainage and should be considered pervious.</p>
281.	4/4/2017	Heidi Elston	<p>I have heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island’s character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner’s ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
282.	4/4/2017	Jennifer Fang	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
283.	4/4/2017	Carla Monahan	<p>I am writing an email as a supporter of the downzoning changes that are currently being considered on Mercer Island. I am not able to attend the meeting on April 5th, but wanted to voice my concerns.</p> <p>As a resident of Mercer Island for the past 8 years, I have seen how the building environment has changed. I agree with the changes to implement the maximum size of homes, require a daylight setback, require 30% tree retention, front yard landscaping and increase setbacks on large lots.</p> <p>When we put an offer on our home in 2009, the decision was based on a higher offer given by a builder and our lower offer. Our offer was accepted as the original owners as the home did not want the house to be torn down. When we continue to let the builders buy property with the intent to tear down houses to build much larger homes at a great profit, we are limiting families who could otherwise afford to move to the island.</p> <p>In addition, as a family of 5, our current home is 3,200 livable sq feet, which is plenty of space for us (and I don't know many families on the island that have 4 plus kids). I understand that newer homes are needed to accommodate the growing demand in the size of homes people want. I'm not sure I agree with that statement, as do we really need to have rows of 4,000+ sq feet homes in every neighborhood when not only is it making a huge environmental impact on our earth (materials, heat to warm the home/air to cool it), this large homes take away open space that used to divide us from our neighbors?</p>

	Date	Name	Comment
			<p>The beauty of Mercer Island is that there are plenty of homes/lot sizes if someone wants to build larger homes. With the new rules, I don't think it would be hard to find a 10,000+ square foot lot to build a 4,000+ square foot home. There are larger lot sizes available to build the larger homes. I agree that we limit the size of the home to 40% of the square footage. If you want a larger home, you either pick from one that is already built on the island or find a lot that is big enough to fit your home with the proposed changes.</p> <p>And lastly, I don't agree with the statement that the downzone will limit my property rights or diminish the value of my home. As we all know, the increase in the price of housing on Mercer Island is one of the largest in the nation! I know lots with teardown homes are selling for over \$1M (and that doesn't include a home to live in!). The value of my home will change regardless of whether this downzone passes or not. Let's keep the integrity of our neighborhoods and limit the home builders to make changes to our island that will last for a lifetime!</p>
284.	4/4/2017	Jeff Scanlan	Mercer Island City Council please leave the current FAR zoning intact. Do not move forward on new zoning limits that concern so few residents at the expense of thousands on the Island.
285.	4/4/2017	Eugene Mantchev	<p>I am writing to you because I will be out of town at the time of the ONLY public hearing on a potentially far reaching change in land use rules.</p> <p>Having been living on the Island since 2009, I have come to realize that there is a very vocal and active - albeit very small - minority that appear to be stuck in the 1960s and oppose any kind of change, including urban amenities and conveniences. Please do not yield to pressure from them and change rules that have been working well. Personally, I am not sure of the change would affect me - it could, for better or for worse - and I don't want to take the chance. Things are just fine on the Island as is, we have a good thing going, please don't mess with it! Consider more street lights, sidewalks, curb and gutter, and overall better roads instead!</p> <p>Many if not most people on the Island, me included, have day jobs and families to take care of, living to make and bills to pay, including the substantial mortgages on our houses. And we certainly would not want to see the value of our homes diminished at the stoke of a Council vote! We go about our busy schedules with no time left for silly initiatives like Save Mercerdale Park, nor attending planning commission meetings and focus groups. While some of these can be important, we simply do not have the time for this in our lives. But we certainly perk up when our home equity is potentially under assault, and many if not most of us vote.</p> <p>Please consider us when making your decision on the building and remodel rules changes under consideration, and VOTE AGAINST THEM!</p>
286.	4/4/2017	Tom & Mary Brucker	My wife and I are longtime Island residents, having moved here in 1963. Much has changed since that time, as is inevitable. But the recent mansion building that seems to be overtaking the Island threatens to destroy the quality of life here that we all treasure. Consequently we strongly endorse the Planning Commission's proposed land use changes. They will help to preserve living on the Island as a special place. Property ownership is more than money. We need the City Council to adopt the proposals.
287.	4/4/2017	Thomas Campbell	<p>Like many - or most - islanders, I have received a mailing from "Concerned Citizens" urging me to oppose the proposed revisions to the building code. They do not identify themselves, nor are such mailings free. From this, I smell developers and outside money. Limits are needed to prevent turning this island into a virtual tenement district. We can see the potential effect on the east side of Island Crest Way, near the 4300 block, where a house is currently being finished.</p> <p>The mailing cites "reduction of home value". Again, nothing better than looking like a California subdivision to accomplish that.</p> <p>Another potential threat is that of subdividing larger lots and erecting oversized houses with no yards, adding to the burden on the City's infrastructure.</p> <p>I do not agree with all of the proposed changes, particularly the "daylight plane setback" quoted in the mailing, and I do see a need for flexibility in the tree retention question. But a 40% footprint (that is 4800 sq ft of footprint on a 12,000 sq ft lot) is more than adequate. Most residents of this island have children who need a yard to play in.</p> <p>I hope that you look into just who is truly behind this mailing.</p>
288.	4/4/2017	Christopher Plambeck	<p>Within the FAQ for the proposed building standards there is a section around property values:</p> <p>How will this affect my property? Will my property value be impacted? The new development standards, when adopted by City Council, will apply to all single-family residential properties in Mercer Island. If the final adopted regulations include the Planning Commission's recommendations to reduce the Gross Floor Area allowance and to cap maximum house size by zone, the size of homes constructed in the future will be reduced compared to the current regulations. This could impact property values in the short term. However, because the change will apply island-wide, the impact to property value would be short-lived, and with time, property values would rebound due to the larger drivers of real estate value, including the Island's unique aesthetic and location, quality schools, parks, etc. Further, the proposed amendments are intended to protect the neighborhood character of Mercer Island, which contributes significantly to property values.</p>

	Date	Name	Comment
			<p>Can you please provide more support for your statement "property values will rebound"? Is this based on an analysis or is this opinion? If via an analysis, please share the details for how this was modeled.</p> <p>Can you also provide empirical support for your statement (emphasis added) "...the proposed amendments are intended to protect the neighborhood character of Mercer Island, which contributes significantly to property values." How has this contribution been measured or estimated?</p>
289.	4/4/2017	Nadine Coffin & Stephen Woloshin	<p>I am in favor of the councils recommended building restrictions for residential areas. I'm tired of seeing the character of the Island's neighborhoods changing drastically from welcoming to over bearing. I will admit I am a home owner that was looking for a rambler and was lucky enough to find one in the Mercerwood neighborhood 4 years ago. Our neighborhood has seen at least 10 houses sold in the last 4 years and only one of those homes was rebuilt. That home stayed within its existing footprint, both vertically and horizontally, and fits In nicely with the older homes in the area. Most all of the sold homes are undergoing extensive interior remodels increasing and modernizing the functionality of the homes. Most have been purchased by young families which brings a renewed vibrancy to our neighborhood.</p> <p>I want to be able to enjoy using my back and front yards. I don't want my neighbors looking from above into my yard or home. I want to keep my privacy. I want to see families able to use their front yards for family activities, I don't want to see a "parking lot". Our home values have not suffered and in fact I believe the desirability of our neighborhood will only increase with your suggested changes. My husband and I support your recommendations 100%</p>
290.	4/4/2017	Anonymous	<p>Regulate invasive plants and animal species (reptiles, birds, kudzu, etc) on Mercer Island land and waters which may be introduced for decorative purpose or pets. Regulate non residential vehicles overflow parking into residential areas when P&R is full. Regulate non residential party goers or construction vehicles parking on narrow neighbor lanes. Regulate garbage and litter thrown into resident properties, grassy shoulder along street, etc. Require litter bins at development sites.</p>
291.	4/4/2017	Mark & Allyson Scalzo	<p>We support the proposed changes, as well as any other restrictions that will create smaller, better scaled homes. We are losing what made Mercer Island great fast.</p>
292.	4/4/2017	Sarah Fletcher	<p>this is what it has for Bellevue's Noise Ordinance. It is simple to the point and doesn't cause confusion like what is proposed.</p> <p>"Under the Bellevue City Code, noise emanating from construction sites that exceeds allowed noise levels is prohibited outside of the hours of 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m. on Saturdays. No construction site noise is permitted on Sundays and legal holidays." If you want to put Mercer Island's acceptable noise level including levqn and decibels, then that would be good too. That way, if someone takes a measurement and the noise level is above MI's acceptable level, we can just show them the Code and there can be no ambiguity.</p> <p>And do you think you could get the City Arborist to please attend the Residential Code Meeting and perhaps give a speech or explain why he has been allowing so many trees on MI to be decimated and will you please make sure he sees the proposed Tree Ordinance, as well as the latest Comprehensive Plan which has a paragraph on "Cherish the Environment" which I don't think he understands in that he wants the 6" diameter for deciduous and coniferous trees to increase to 20" and 30" respectively, instead of keeping the diameter at 6" which is also what Bellevue has and which Mercer Island has had for years.</p>
293.	4/4/2017	Kristin Hart	<p>While I understand the reason behind the downzone, I don't think it solves the main issue.</p> <p>Companies like JayMark come in whose goal it is to buy a property, knock it down and build anew. Whether this is 45% or 40% isn't really relevant. They build a new house (10 new houses) that isn't in character with the neighborhood, and existing neighbors are frustrated.</p> <p>What seems more logical is to be more lenient for remodels. A 40% change only makes the remodel hope WORSE! It makes it MORE likely to have to tear a house down. Having gone through 2 island remodels where we kept our house (didn't tear it down) I feel the city codes worked against us in so many ways. It would have been easier and cheaper to tear down.</p> <p>I think part of the frustration is hopeless. The existing houses on MI are tiny and cheaply built. If they are old, they need work. Their windows are single pane glass, the wiring knob and tube, the plumbing out of code. They also have weird 70's dead spaces in the center of the houses. They aren't nice houses and with land so much money, people are going to want to fix their houses to be more modern. It is just a reality.</p> <p>I think the best we can hope for is giving people who want to remodel (and keep the majority of their house) a break. A mathematical equation isn't the solution. It misses the point.</p>
294.	4/4/2017	Wade Moller	<p>It has come to my attention that the City is considering approving major limitations with respect to the amount of square footage that a single-family owner can build on their own land. Given the age of many of the homes on the island, and the desire for many property owners to significantly renovate and/or remodel these homes, coupled with the chilling effect on potential purchasers these measures would have (as prospective purchasers would be severely limited in their ability to add-on or redevelop outdated and undersized homes), these changes will have a significant and undesirable impact on our local home values. Property rights and the freedoms and protections afforded thereto function as an important part of our rights as both citizens of Washington State and the U.S., and I believe this downzone will severely undermine these important rights as well as our ability to sell our homes for fair market value.</p>




	Date	Name	Comment
			<p>I also disagree wholeheartedly with the City's proposal to implement maximum house sizes for each residential zone, to require daylight plane setbacks, and to require increased side yard setbacks on large lots especially given that existing setbacks are more than sufficient (as all of these serve to further limit square footage accessibility for existing homeowners and incoming home purchasers), as well as front yard landscaping (this choice should remain with individual homeowners, not the City).</p> <p>Invasive measures like these should not be adopted without the strong support of a significant majority of Mercer Island property owners and residents. The proposed measures above do not have anything close to this type of support from current Mercer Island homeowners and residents.</p>
295.	4/4/2017	Randy Koehler	<p>I am a resident of MI for 45 years and have been building homes here for 40 years. I was involved in the major re-do of the code in 1990. I am opposed to the proposed code changes for several reasons.</p> <ol style="list-style-type: none"> 1. MI is not the small sleepy town of 1960 anymore. Things and times change as growth happens and trends change as does fashion, colors, cars, etc. The commission states that the average home size was 3300SF in 1960 and 4675SF today. Why? This is what peoples wants and needs are today. This is not just driven by builders/developers. I build custom homes as well as spec homes and clients tell me what they want which is not 3300SF. All of the commission's examples are comparing small ramblers built in the 40's, 50's, and 60's to 2 story homes of today. I have NOT built ramblers in my 40 years of building. Yet most of the complaints and examples are from those living in those ramblers. Of course a 2 story home will look intimidating next to a Rambler. But that all continues to change as the value of the property far exceeds the structure on it. As the value of these properties hover near a million dollars, it doesn't make economic sense to build or remodel another Rambler. Why? Because ramblers are the most expensive to build per SF and it takes more lot size, so the result is adding a second story or a new 2 story home. Also, if I am paying 1 million for one of these properties, I would have to sell them for 2 million or more an I can't do that at 2500SF. The owners of these properties, when selling, want to maximize their return. I've always said that if someone would sell me the property for \$400,000, I would build 2500SF houses all day long, won't happen. 2. You can't legislate bad taste. Beauty is in the eye of the beholder. One thing that is nice about the island is the diversity on construction. Some like it, some don't. I'm afraid, after looking at the Commissions examples that we will start seeing many new homes looking more alike than currently built. Let's be careful what we wish for. 3. Trees. Once again, we have tree lovers and tree haters. Moving setbacks to accommodate trees is ridiculous. What happens when trees get diseased and must come down later or blown down in storms or 2nd or 3rd owners just take them down. You then have a non-conforming setback. The existing ordinance is restrictive enough. Proper siting of a home on a lot is more important than saving a tree or 2. Replacement trees do grow, you know. Are you really thinking about regulating the kind of landscaping to be required? To each his own. Some may like it and others won't. What does high quality mean?? And to who? 4. Impervious surface deviations are probably too easy to get but you need to have an avenue for appeal as every situation is different and or unique. Otherwise you will see all houses pulled all the way to the front setback to keep driveways shorter, hence less impervious. Is this what we want? Isn't there still a Building Board of Appeals?? 5. Work Hours. I think it should be OK to work on weekend just reduce the hours. No need to work until 10 at night. If noise is the issue it's OK for homeowners to be out running blowers and pressure washers all day which is far noisier than most construction activities. A painter working on weekends makes no noise! 6. Height limits. What we have now is fine. Trying to reduce it to 15-22' is ridiculous. Can you imagine the number of "goofy" looking houses or all flat roof houses? I would think you would want a variety of designs 7. Lastly, if the City is struggling with revenues now, just wait to see what happens to revenues if all this is enacted. Builders, like myself, and I think I'm a responsible builder, will be forced to go elsewhere to build. And this is not unlike the Town Center restrictions. I know a few commercial developers, responsible ones, that would not touch a project on MI now. <p>All in all, what we have now works.</p>
296.	4/4/2017	Chris Vetter	<p>I am in favor of new code changes:</p> <ul style="list-style-type: none"> limiting construction to 40% of the buildable area limiting the maximum square footage for each residential zone, creating daylight plane setbacks, requiring 30% tree retention on lots undergoing construction, requiring front yard landscaping. increasing side yard setbacks on large lots.
297.	4/4/2017	Mildee Vetter	<p>I am in favor of new code changes:</p> <ul style="list-style-type: none"> limiting construction to 40% of the buildable area limiting the maximum square footage for each residential zone, creating daylight plane setbacks,

	Date	Name	Comment
			<p>requiring 30% tree retention on lots undergoing construction, requiring front yard landscaping. increasing side yard setbacks on large lots.</p>
298.	4/4/2017	Kevyn Tran	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
299.	4/4/2017	Jack Paauw	<p>Us worker bees can't attend a 6 pm hearing we don't get home by then, please add this to the testimony: I have owned a home and have been a Mercer Island taxpayer since 1986. I recently received a flyer that summarized proposed actions that may be implemented by City Council which if enacted, will severely impact property values on Mercer Island, which will in turn reduce taxes collected, and impact schools. People move to mercer Island because of the quality of life bolstered by the property value investment proposition and the schools. To reiterate what is being considered:</p> <ol style="list-style-type: none"> 1. "Implement a maximum house size for each residential zone." This is fraught with the impacts due to laws of unintended consequences: What is 'size' besides the heated enclosed 4-walls? A basement below grade, an open porch, or decks, a garage, a rooftop terrace, a patio covering open on 3 sides, etc.? Don't open Pandora's box. 2. "Require a daylight plane setback for upper floors..." This may be applicable in dense urban cities for zero lot line high-rises but for a house? Having one's daylight blocked by a neighbor is not an inherent property right, doing this will substantially decrease property values. 3. "Require a 30% tree retention..." Retention means save not replace-what if there is a big tree right in the middle of a developable lot? Perhaps consider "mitigation" where a Landscape Architect can be required to mitigate the loss of trees with a new, additive plan commensurate with the context of the new home design and neighborhood. 4. "Increase side setbacks on side yards..." Again, this will decrease the buildable area reducing property values; this should only be done if height limits are increased- you squeeze the sides- it pops out the top. <p>I have invested in re-developable real estate in Mercer Island as my home and as my retirement: I am nearing retirement age, and your actions, if implemented, will directly impact my retirement nest egg. I implore you NOT to implement any of the proposals outlined above. The council may recall how they have been railroaded by Sound Transit, now the shoe is on the other foot; your property owners and taxpayers see a similar shaft aimed at them. Do not let a few vocal cranks impact the property values of the quiet, busy majority, out there making a living, with no time to deal with threats like these.</p>
300.	4/4/2017	Catie & Ebie Light	<p>We don't want the monster houses that take up the entire lots built anymore.</p>
301.	4/4/2017	Carin Parcel	<p>We've heard that the City is considering limitations on the amount of square footage that a single-family owner can build on their land.</p> <p>I'm interested in learning more about this and making sure that you are hearing input from residents that both support and don't support this change, rather than arguments from contractors or a specific subset of residents that maybe don't understand the consequences of this limitation.</p> <p>As a new Mercer Island resident, I'm mostly concerned about subdivided lots (allowing builders to take 2 lots and build 3 homes). I feel that this is actually the concern residents have because they want to maintain adequate privacy and space between homes while saving as many trees as possible. I wonder if this issue has been fleshed out. I'm also wondering if the issue is more about home builders asking to go above the 45%...maybe stricter boundaries around that would also satisfy those concerned with overbuilding. From what I understand, many builders have been granted the rights to subdivide as well as ask for modifications to FAR and that is more concerning than the existing rules.</p> <p>Lastly, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes. Please consider the above issues as alternative avenues to opening the dialogue about how MI should move forward with any potential changes to residential construction.</p>
302.	4/5/2017	George Steirer	<p>Thank you for volunteering your time to review possible residential code revisions. Below are two possible changes for your consideration:</p> <ol style="list-style-type: none"> 1. CODE INTERPRETATIONS (MICC 19.15.020.L) <p>The current draft proposes to add language that clarifies how code interpretations would be made. In addition to others, the code official would consider:</p>

	Date	Name	Comment
			<p>g. The expected result or effect of the interpretation; and h. Previous implementation of the regulatory requirements governing the situation.</p> <p>Criterion g would allow the code official to place personal bias and values on how to interpret the code, and override the values determined by the Planning Commission and City Council at the time of adoption. For criterion h: please consider that just because previous code officials may have implemented the regulatory requirements in error, the error should not be perpetuated. Also, a lack of previous appeals on implementation of the code should not be support for continuing to implement the code the same way.</p> <p>The plain language of the code, adopted legislative intent, judicial decisions, and State law is ample guidance for a code interpretation. For clarity and certainty, please consider deleting proposed criteria MICC 19.15.020.L.g & h.</p> <p>2. VARIANCE CRITERIA (MICC 19.15.020.G.4.a & b)</p> <p>The current draft proposes to add a variance criterion that states “The strict enforcement of the provisions of Title 19 MICC will create an unnecessary hardship to the property owner;” However, “unnecessary hardship” is not defined. Since a “reasonable use exception” is required for a variance from critical area regulations, are there situations you can think of where the applicant would have an “unnecessary hardship”? Please consider adding quantifiable criteria to define “unnecessary hardship” or deleting the proposed requirement.</p> <p>The current draft also proposes to add a criterion that states “The variance is the minimum necessary to grant relief to the property owner;” However, “minimum necessary” is not defined. Please consider adding quantifiable criteria for “minimum necessary” or deleting the requirement.</p>
303.	4/5/2017	Scott Clements	<p>If the city wanted to take action on the McMansions the time to do it was many years ago when the trend was just beginning. It’s totally unfair to now change the game when the precedent has been set and so many larger homes have already been built. For myself, the only way to maximize the value of my property is to be able to build to the same set of zoning rules as my neighbors across the street, not to mention all of the McMansions going in on the waterfront just west of me between 30th and 32nd off of West Mercer Way.</p> <p>Please do not move forward on new single family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
304.	4/5/2017	Jill Landauer	<p>I absolutely support residential development changes that limit house size, create wider setbacks between homes, and preserve and protect our trees. McMansions crammed into a subdivided, deforested lot are not desired, ecologically friendly, or likely to "improve" home valuations. Please continue your excellent efforts to preserve quality of life on Mercer Island via instituting changes to the development code. Thank you!</p>
305.	4/5/2017	Chong Wah	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
306.	4/5/2017	Sue Stewart	<p>We are losing too much mature habitat on the island with the size of homes allowed. The Coval long plat boasted of the number of trees that would be kept in place. The fact is only one mature fir is being somewhat protected and limbs have already been broken off of it. (the Coval arboretum had 300+ trees – saving one is pathetic...if not criminal.) A hundred year old chestnut tree was taken out last week for the next foundation. A hundred year old Madrone came out earlier – diseased they said...but that disease was a part of the surface disruption around it – created by the development.</p> <p>East of Summerwell, the new development on Coval property, is Upper Luther Burbank Park. With the loss of trees during the Summerwell development Upper Luther Burbank Park has had trees come down. It’s partly that the Coval trees no longer protect them from strong winds coming out of the west. Some damage was from the heavy snow too...but the commission must realize toppled mature trees in Upper Luther Burbank Park will continue to happen with the loss of magnificent trees on the Coval arboretum.</p> <p>The “watercourse” that cuts south to north through the Coval property was deemed a swale...or rain garden by the city. Yet this past winter the rains that flowed out of the “rain garden” saturated the roots of two mature trees on private property along the misnamed watercourse. Two trees 6 blocks away – on 29th street were about to fall on the house to its north. The Coval long plat developer, Wes Geisbrecht, paid to remove the trees but insisted the homeowner notify the city there was no problem...everything was resolved. It is this kind of follow on damage the planning commission likely never hears about. It is damaging to habitat and in this case it threatened another home. Further to the north of our same “watercourse” this water from the “rain garden” ends up in the south wetland of Luther Burbank Park. New channeling in the south wetland was necessary since the south parking lot lost parking spaces to flooding during heavy rain. That is all part of the result of oversized homes and loss of mature vegetation.</p>

	Date	Name	Comment
			<p>There must be a way to pre-identify significant trees and preserve them. There must be a way to say no home can be built so near any significant tree so it doesn't become diseased and end up coming out. Another excuse has been that the utility companies demand a straight line to lay their utility lines. We lost giant sequoias on the property in our neighborhood years ago when the RKK project was built. It was news to those sitting on that planning Commission years ago because they had demanded the sequoias be protected and preserved. And yet there clearly was no follow through once individual housing permits got approved. The development services staff are not neophytes – they had to understand tree loss was part of the equation then...and it continues today.</p> <p>I would urge planning commission members to drive through the Summerwell property. Please drive up our private lane to the south...marked as 32nd Street. Please digest the reality of this long plat and the level of lost habitat and significant trees to oversized lot obliterating massive homes.</p>
307.	4/5/2017	Paul & Helen Lucas	<p>As Mercer Island homeowners since 1972, we write to express our concern in regard to the drastic limitations being proposed on the amount of square footage that a single-family owner can build on their land. It appears that this would severely limit property rights for owners and restrict one's ability to obtain a fair value for their property.</p> <p>This would greatly impact us, as senior citizens, who have lived on Mercer Island for over 45 years. We have relied on our home appreciation to fund our retirement. In all these years, we have strived to protect the character and quality of life on Mercer Island and have always supported measures that have resulted in measures in favor of all Mercer Islanders.</p>
308.	4/5/2017	Mark Upton	<p>We've heard that the City is considering drastic limitations on the amount of square footage that a single family owner can build on their land. First of all, we bought a large lot with the intent of adding an additional living area at a point in the future. We checked the zoning laws at the time and there were no issues. Changing the law will impact our property value and all the others who have been paying taxes all these years on our higher assessed values for our land. We anticipate there will be many lawsuits from homeowners who have been arbitrarily impacted for having invested in larger lots with plans to build within the existing code.</p> <p>Secondly, we need to be able to add density of housing on Mercer Island. We have many teachers, firefighters, policemen, and government employees who cannot live on the island due to the lack of affordable houses. Those of us with larger lots are in a position to add more housing as either rentals or through subdividing our property.</p> <p>Please do not move forward on new single family zoning limits that will impact the land values and build options for all Mercer Island homeowners.</p>
309.	4/5/2017	Barbara Sternoff	<p>I am troubled that the council is considering limitations on the amount of square footage a homeowner can build on their land. This down zone would limit property rights and their ability to remodel or redevelop their home.</p> <p>In addition, Island residents such as myself, who have owned their homes for a long time and are relying on home appreciation to fund retirement would be impacted by these changes.</p> <p>Please do not take action on this idea.</p>
310.	4/5/2017	Laurie Philips	<p>I am happy that the MI City Council has responded to community concerns, by asking the Planning Commission to review the residential building standards. I plan to attend tonight's meeting (April 5), but will use this method to voice my opinions.</p> <p>Our home is on First Hill and the house next door is currently under construction. In this area, we have had continuous construction. I agree with the Commission's preliminary recommendations to limit house sizes to 40% of the lot size; to increase the spacing between houses (we have such little daylight as it is - I can't bear the thought of less sunlight reaching my mossy yard) and I don't want to live on top of my neighbors; protecting the trees; reducing the hours of construction (living next door to active construction is unsettling - it would be nice to get a break on Sunday - and, would give us one day that we can host events at our house - the construction is noisy and the trucks take up all the parking spaces in front of my house); and finally, to eliminate lot coverage and other deviations. It has seemed to be an unfair playing field, with the deviations that have been granted to certain construction companies.</p> <p>I don't believe these changes will hurt MI housing prices. People want to live here for the sweet community life. If I wanted to live in the city, I would do so.</p>
311.	4/5/2017	Margaret Kwan	<p>We understand that the City is considering drastic limitation on the square footage that a single family can be built on the lot. This would severely limit property rights of owners and restrict the value of their property.</p> <p>It is important that we protect Mercer Island's character and quality of life. We are concerned that many of the proposed changes have unintended consequences of reducing property value and restricting owner's ability to remodel or redevelop their home.</p> <p>We have owned our home for a long time and are relying on home appreciation to fund retirement. We would be heavily impacted by the proposed changes.</p> <p>Please DO NOT move forward on new single family zoning limits that address the concerns of a few at the expense of the majority.</p>
312.	4/5/2017	Doug McKiernan	<p>I am writing in opposition to all of the proposed changes to the building code and tree ordinance. I think the current code is sufficient. I am worried about the impact of the proposed code changes on values and individual private property rights. It would be one of the most restrictive building codes in Western Washington.</p>

	Date	Name	Comment
			<p>If the proposed changes are implemented, it will adversely affect property values and reduce tax revenue to the city. It will also reduce city revenue through the building department because many, if not all, of the home builders currently building on Mercer Island will stop building here, resulting in significant less permit processing.</p> <p>I agree that there have been some ugly, out of scale homes built recently, but it shouldn't result in a knee jerk reaction to change the code. Government shouldn't regulate style, which is what the city would be doing with the daylight plane idea and increased set backs.</p> <p>As you know, it is a very small percentage of property owners that are in favor of changing the code and tree ordinance, but these changes will significantly affect all property owners on the island. Many of these property owners are senior citizens that are depending on the value of their home to fund the rest of their retirement and future senior living. They may not want a mega house next to their home, but I believe they would rather have that then getting several hundred thousand dollars less for their property when they sell in the future.</p> <p>Regarding new regulations on trees. This seems to become a hot topic on the island about every ten years. Trees are a renewable resource. I disagree with a blanket policy of tree retention instead of replenishment. Trees can easily get to big to be safe around houses. Large trees can be damaging to property and if a property owner wants to take a tree out, they should have the right to remove a tree from their property assuming it is not on a critical slope or in a sensitive area.</p> <p>If the the planning commission and city council decide that they are in favor of these changes, then it should be put to a vote of all island residents. The council should not have the right to adversely affect an individuals property value by changing a property owners rights.</p>
313.	4/5/2017	Ryan Yuan	<p>We have heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It's important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or develop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single -family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
314.	4/5/2017	Sandy Ryan	<p>I regret that I cannot make the meeting tonight, due to a prior commitment. Therefore, I would like to take the opportunity to make a comment. A couple of years ago, the Mercer Island City Council voted to ban plastic bags because they were considered to be "unfriendly" to the environment. If the City wants to foster stewardship of the environment on the island, then I believe that the proposed update to the standards are welcome. The disregard shown for habitat and also neighbors is astounding. Large trees have been felled, which I believe has contributed to the land slippage seen in the last few months of rain. The large footprints of these houses, which take up almost all of the lot are an added factor. Where does the water go to when it cannot be absorbed into the ground? Lastly, these large houses, that are being constructed now, show disregard for the neighboring structures, in some cases blocking out all the light from the small houses beside them and, in some cases, blocking views. It appears that when variations are posted by the builders, no matter what the protest from the neighbors, the variations are granted. I thank you for your time and considerations.</p>
315.	4/5/2017	Christine & Doug Nakano	<p>Most people who come to our home comment on what a great back yard we have. Indeed, it is one of the things we like best about our place. Our kids, in particular, spend a lot of time out there. When we first moved here, our neighbors' homes were barely visibly to us in the back; the yard was very private and surrounded by the natural beauty of trees and bushes. Now, to the east of us, where no home was once visible, we see two enormous buildings looming over us from an elevated ground level. One is parallel to our back yard and another sits in front of that one. The four-story unit in the back has an upper patio where new residents will be able to sit and stare down at us in our back yard. The home behind us, on SE 37th St, is also slated to be demolished, and we fear that we will lose privacy from that side as well. Previously, we had no need for blinds in the back of our home. Now, window treatments are required to maintain privacy. We have also had to plant a row of trees in the hopes of growing a natural screen. Please see the attached photos.</p> <p>We understand that many of the homes on the island are old, and we are not against new development. However, we urge the city to do what it can to maintain the beauty and character of Mercer Island. Not everyone is interested in houses with more square footage. We love that we have a yard we can play and entertain in. We love that we don't live in "cookie-cutter" homes that sit right next to each other. We love that we have space in the front to garden and play ball and gather and chat with our long-time neighbors.</p>

	Date	Name	Comment
			<p>We believe that much of what we love about our home here on Mercer Island is being threatened by overdevelopment. Please limit the amount of construction that can occur in a lot, protect the natural beauty of our residential areas and strive to maintain the unique character of our neighborhoods. We don't want to become just another sea of buildings cramped together, side-by-side!</p>  <p>This is a view from our back yard, looking to the east at the two new structures. You can see where our house sits by looking at the roof on the bottom left corner.</p>  <p>In this photo, you can see the upper patio on this building, where once we just saw the tops of trees.</p>  <p>This shot is taken from the front of our house. It shows the elevation discrepancy between the lots. This raises the concern of water run-off on to our property and is what adds to the towering, looming effect of the building in the back.</p>
316.	4/5/2017	Carolyn Boatsman	<p>These comments re: tree code are an update of what I submitted at the Planning Commission meeting on 3/29/17. I've had a little more time to study.</p> <p>Comments re: Code Update Chapter 19.10 TREES</p> <p>Many positive provisions in this draft code. General comments:</p> <ol style="list-style-type: none"> 1. Draft very difficult to comprehend. Public unlikely to support if can't understand. MI has already lost better tree protection regulations in approximately 2000 due to public misperception. Let's not suffer that fate again. Strongly recommend preparing a summary in everyday language of what this code accomplishes. Then use that as a guide to rewrite the code. Specifically, separate the sections on regulation during development from regulation outside of development. 2. The phrase "unless waived by the arborist" is frequently used. Waiver should be conditioned upon criteria that serve purpose of ordinance for waiver. Written explanation by City arborist for waiver should be required. Document with best practices of International Society of Arboriculture (ISA). Is the term "waiver" defined in City Code? If not, maybe it should be. 3. Throughout this code, specific ISA standards that must be followed should be referenced. <p>19.10.010 Purpose and Intent</p>

Date	Name	Comment																
		<p>Given the defining environmental issue of our time, it is important to note that trees absorb greenhouse gases and moderate temperature.</p> <p>19.10.030 Permit approval required</p> <p>B. Peer review. Does this refer to the City having the right to request a second arborist, upon review of the first arborist's Tree Retention and Arborist Report? An arborist that does not work for tree removal company is usually called a consulting arborist. This definition could be provided and the City could have the right to request one. Regardless, it is important that the City have the right to request a professional, independent, second opinion.</p> <p>C.3. Development Plan Set: "and" should be changed to "or". In other words, the plan set should be required if the applicant will retain or remove trees.</p> <p>C.3.a.ii. Tree protection standards 19.10.090 require protection 5 feet out from the drip line so the site plan should show that for the trees on adjacent property. It seems that it should state here that the same info should be provided for the trees on the applicant's property.</p> <p>C.3.b. Tree Retention Plan and Arborist's Report</p> <p>Here would be a good place to note exactly what ISA standard is being met, for example, the ISA Basic Tree Assessment Form.</p> <p>19.10.050 Residential Tree Retention</p> <p>Saving 30 percent over five years is insufficient. Comparable lot size in Sammamish they save 50 percent of trees over a 10 year period. How does the proposed compare with the number of trees we are saving now? We should be able to answer that question.</p> <p>Please see addendum.</p> <p>19.10.090 Tree protection standards</p> <p>The following should be added as number 5: "Native understory trees, shrubs and other vegetation shall be protected within the designated tree protection area." (This comes from a similar list used by Sammamish. We should provide the same protection. It's the understory where the birds are most likely to nest. When wildlife can successfully live and reproduce in our neighborhoods, it's a much nicer place to live for us.)</p> <p>19.10.110 Tree Replacement</p> <p>Emphasize Pacific Northwest native species for replanting. Requiring a majority of trees to be natives is just 51%, and is reasonable. Sammamish and Redmond require this. We have bald eagle nests on Mercer Island. They need Douglas fir. Those we plant in the next few years will be big enough in 100 for their nests. Birds that frequent our area often do not find food in ornamentals or nest in them.</p> <p>19.10.120 Nuisance abatement</p> <p>Figure 2 does not correlate to the text and is illegible and unreadable.</p> <p>Addendum to my comments submitted to Planning Commission on 3/29/17 regarding: Tree code update</p> <p>1) Save more trees:</p> <p>a) To address the concern as to whether the new scheme saves more trees, the following would secure that result: Keep the current code that requires that any large tree be saved during development and add the requirement to save a minimum of 30% of the trees. Right now we're losing trees because there is no room for them on the lot given large houses. However, within that limitation, as many trees as possible are saved. From my perspective that is both bad and good. If we could lessen the bad (require 30% saved) and keep the good (keep all the large trees that you can), then we will definitely improve upon what we have.</p> <p>b) Reduce the diameter of a "large tree". More will be saved as a result.</p> <p>c) Does the rolling average save more trees? What is it for? We need to save trees during development period. Our version of "rolling average" allows all of the trees to be removed at once. Please consider a scheme like Sammamish in which only a certain number can be removed per year (see below).</p> <p>d) Consider a less aggressive removal rate: Removing 70% every five years sounds like not much left pretty quick. How was this rate decided upon? See Sammamish, 50% every ten years, two per year.</p> <p>Sammamish code: A permit shall be granted for the removal of significant trees as shown in the following table. The number of significant trees allowed for removal shall be limited by the lesser of the percentage column or cumulative number column:</p> <table border="1"> <thead> <tr> <th>Lot Size</th> <th>Percent of significant trees allowed to be removed per 10 years</th> <th>Number of significant trees allowed to be removed per year</th> <th>Cumulative number of significant trees allowed to be removed per rolling 10-year period</th> </tr> </thead> <tbody> <tr> <td>< 1/4 ac</td> <td>50</td> <td>2</td> <td>6</td> </tr> <tr> <td>1/4 ac – 1/2 ac</td> <td>40</td> <td>4</td> <td>12</td> </tr> <tr> <td>1/2 ac – 1 ac</td> <td>30</td> <td>6</td> <td>18</td> </tr> </tbody> </table>	Lot Size	Percent of significant trees allowed to be removed per 10 years	Number of significant trees allowed to be removed per year	Cumulative number of significant trees allowed to be removed per rolling 10-year period	< 1/4 ac	50	2	6	1/4 ac – 1/2 ac	40	4	12	1/2 ac – 1 ac	30	6	18
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			<p>1 ac – 2 ac 20 8 24 > 2 ac 10 10 30</p> <p>2) Emphasize Pacific Northwest native species for replanting. Requiring a majority of trees to be natives is just 51%, and is reasonable. Sammamish and Redmond require this. We have bald eagle nests on Mercer Island. They need Douglas fir. Those we plant in the next few years will be big enough in 100 for their nests. 3) Prioritize retention of clusters of trees and trees that are located near other trees – to promote survival and prevent wind throw. Newcastle and Renton have good language on this. 4) Retain 19.10.070. Bald eagle and other federal and state requirements. Even though bald eagles are no longer listed under the Endangered Species Act, they are still protected by the Bald and Golden Eagle Act which requires permits for removing a tree with an active or inactive nest. See U.S. Fish and Wildlife Service or http://wdfw.wa.gov/conservation/bald_eagle/ “The Bald and Golden Eagle Act prohibits anyone from taking, possessing, or transporting a bald eagle (<i>Haliaeetus leucocephalus</i>) or golden eagle (<i>Aquila chrysaetos</i>), or the parts, nests, or eggs of such birds without prior authorization. This includes inactive nests as well as active nests. Take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb. Activities that directly or indirectly lead to take are prohibited without a permit.” "Disturb" means: “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”</p>
317.	4/5/2017	Sarah Waller	<p>As a long time resident of First Hill I have witnessed what happens when building codes go awry. We have lost trees, have seen our neighborhood change from homes that are appropriate for the lot size to homes which dominate that lot. We can't get that back. Personally, we have lost our sun because of 30 foot homes on either side. Do you know what it feels like to not see the sunrise or sunset? Do you know what it feels like to have been a lifelong gardener and realize your entire ecosystem and climate has changed because of 30 foot walls? It's sad. The type of construction that has gone on has gone on unchecked. The builders don't care and their subs care even less if they disrupt trees roots. There seems to have been a total lack of consideration and thought for keeping neighborhoods intact, all for the sake of money. We can't get our sun back, we can't get back magnificent old trees. Please consider making changes before you and the rest of us feel like you are living in a canyon with invisible neighbors. It's the right thing to do.</p>
318.	4/5/2017	Anne Fox	<p>I have been involved for months with the various discussions involving changes to the residential codes. I believe some of the code changes are for the positive (I favor code changes that offer modifications to the current scale and site coverage now allowed) and that others will may result in negative change, or are written in such a way as to cause confusion by staff upon review of applications.</p> <p>However, I strongly support the overall approach The City has taken and, quite honestly, resent the last minute sabotage efforts by The (unanimous?) Concerned Citizens letter. That group has more than once over the years been successful in sabotaging efforts to bring City Codes up to the standards of forward thinking residential and environmental urban planning codes and/or guidelines. That organization focuses on fear mongering and political threats. Over the years of my involvement with The City as a concerned citizen I have been verbally attacked by members of that organization.</p> <p>I urge The City, The Planning Commission and The City Council to carefully weigh any comments from that organization to determine if they are based on reality, if they are truly representative of MI citizens and if they are reflective in any way of any one of the people who support that organization having participated in the very public process that The City has conducted to date.</p>
319.	4/5/2017	Herbert Hoguel	<p>I am concerned about loss of property values that will result as an unintended consequence from reduction of footprint and permeable area to 40% of buildable area on lots. Our house is on a pre-1960 lot that is only 7,000 square feet. This means that, with our existing house and driveway, we would not be able to expand our very tiny (12 x 12) patio to something like 500 square feet. All we want to do is enjoy a limited outdoor space that would still only be about 1/6 of our very small back yard. I agree with the Concerned Citizens of Mercer Island that the proposals are the result of an impulse to over-regulate, the consequences of which will be stagnation of needed property improvements, perpetuation of run-down properties and eye-sores, and lower property values.</p>
320.	4/5/2017	Georgia & Steve McCoy	<p>I recently received a letter from “Concerned Citizens of Mercer Island” listing the impacts the proposed land use restrictions will have on property owners. The perspective of the organization is obviously that of builders, developers, and folks trying to capitalize on buying and selling property in Mercer Island.</p> <p>I applaud the City Council for proposing to restrict the size of homes and the way our neighbors are impacted by speculative builders and developers. Our neighbor is beautiful and we care about the families that live in the house more than we care about how much our houses are worth.</p> <p>A lot in our block recently sold and we and our neighbors are concerned about size of the house being built. As current neighbors have made improvements to their homes, they have been cautious to maintain the character of the area and respect our neighbors.</p> <p>Please remember that Mercer Island is home to most of us and not just another place to see how much money we can make by buying and selling houses. Please stand firm and keep Mercer Island a wonderful place to live and raise our families.</p>

	Date	Name	Comment
321.	4/5/2017	Walter Boos	Protecting Mercer Island's character and quality of life are important objectives for our political leaders - but the proposed zoning changes have serious unintended consequences. Specifically property values will be reduced and property owners ability to remodel or redevelop their home will be severely restricted. Additionally long-time homeowners on Mercer Island will see the value of their home diminished - adversely impacting their retirement savings. Please DO NOT move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.
322.	4/5/2017	June Lindsey	<p>Members of Mercer Island Planning Commission:</p> <p>Please read the letter below that I sent to the members of the City Council believing that they would be holding the public hearing rather than yourselves due to the letter that was sent by Concerned Citizens of Mercer Island:</p> <p>I strongly support the proposed changes to the Mercer Island building code for residential properties. I have read the proposals as explained in the Mercer Island Reporter and I understand the issues. Implementing all of them will help to preserve the quality of the environment we all treasure on Mercer Island.</p> <p>I served on the Planning Commission in the 1980's and was involved in many land use issues over the years before and after that. It has always been my belief that keeping more open space between buildings, allowing for air and light, and preserving trees will enhance the livability and the property values of the community and of individual properties.</p> <p>Yesterday I received a letter from a group called Concerned Citizens of Mercer Island who urged that I write my objections to the proposed changes. I have no objections and am suspicious that this is an organization of developers who want to maximize their profit while decimating the community. They argue that these regulations will decrease the potential profit of the home seller, I believe the opposite.</p> <p>Please stand firm, these are great new regulations!</p> <p>P.S. After more reading, I am Not in favor of relinquishing more of the Planning Commission's powers and duties to a Hearing Examiner. My experience is that the Hearing Examiner grants more variances and exceptions to the City codes than the Commission does. The commissioners are after all, ALL residents of the Island usually a pretty good cross section and truly invested in implementing what is best for our community.</p> <p>ALSO, why has the EAGLE TREE protection been deleted (19.10.070)?</p>
323.	4/5/2017	Greg Daquila	<p>I was talking with Bryan Cairns in my wheelchair when you joined us after Wednesday night's Planning Commission Special Meeting.</p> <p>I went to 6th grade at Lakeridge when we moved to the Island in 1971, Bryan and his wife Sue were our next door neighbors in the Mercer Island Estates. I initially babysat his two daughters and when they built a new house below what is now the Lakes, I helped Bryan install his complete new backyard. I know the Cairns helped pay for my first car at 16.</p> <p>I currently hear a lot of talk about tree preservation, documentation and regulations over tree management on the Island. The city council's 'Tree Preservation' words ring hollow with me and Peggy Schwartz's comments last night. Peggy mentioned before the Lakes were sold off by the MISD and urbanized, this decision eventually put more pressure on other city services, i.e. water, sewer and schools today. At the time there existed more natural greenspace and tree's behind IMS than could ever be conserved or grown now.</p> <p>Today's council is not responsible for prior council's decisions. But with further development inevitable, wouldn't it be nice to have these former properties (Community Center was originally an elementary school, now it is city property) available for consideration as our community grows.</p>
324.	4/5/2017	Trudi Hoogenboom	We love that the city of Mercer Island is considering drastic limitations on the mount of square footage that a single family owner can build on their land! Great idea. You have our full support.

	Date	Name	Comment
325.	4/5/2017	Michele Murburg, David Myerson, Alexander Myerson, Katherine Myerson	<p>We cannot attend the City Council meeting this evening, so send this letter to you in lieu of in person testimony.</p> <p>We recently received a letter from the oxymoronically self-designated "Concerned Citizens of Mercer Island", whose statements in the referenced missive indicate that they are likely neither "citizens" of Mercer Island, nor "concerned" about our community. A google search performed today shed no light on the identity, legal status, or membership of this "organization". As their unsigned letter promotes the interests of the Seattle area developer/realtor community and opposes the true interests of genuine Mercer Island citizens, it seems likely that the letter originates either from developers themselves or from some entity promoting developers' interests under the deceptive label of "Concerned Citizens of Mercer Island".</p> <p>Mercer Island is a community of people who call it home, not a playground for greedy developers and those who accept "incentives" from them. Our local government needs to represent the interests of its own citizens, not those of developers. What is in the best interests of the citizens of our community is the protection of our island's delicate ecology and the retention of its non-urban character. (It would have been great to enact policies doing so years ago, but it was somehow decided in the early 90's to "split the difference" between 50% lot coverage for small lots and 40% lot coverage for large lots, by setting the coverage for all lots at 45%. Time has exposed the deficiencies in this compromise, as manifested in the wall-to-wall driveways seen on first hill, and the many mansions island-wide set too close to their lot lines and blocking the sun from reaching their neighbors.) Most of the families and individuals who live here cherish Mercer Island's uncrowded natural beauty, its parks, its schools, and its community spirit dedicated to being and providing the best possible non-urban residential milieu for its citizens. We who live here chose to do so because of Mercer Island's more sparsely settled, non-urban nature paired with shorter commutes than those afforded by similarly nonurban communities in, for example, the determinedly anti-urban Bainbridge Island, or the more pastoral parts of Redmond or Issaquah, and we love the unique qualities of Mercer Island. Development codes here should protect and maintain in perpetuity, as much as possible, Mercer Island's unique, non-urban character. Surely my own family, after living here for 35 years, cares far less about any theoretical loss of "potential value" of our property that might be caused by limitations via laws or building codes than about preserving the quality of life and the non-urban nature and community of our island, so that future generations may enjoy the same.</p> <p>Please know that we entirely support and encourage any and all efforts of the Mercer Island City Government to limit, restrict, and discourage heedless development in our community. Our downtown has just been rezoned and should NOT be allowed to degrade any further, despite the push by off-islanders for us to allow the building of "transit-oriented communities", which is code for large buildings filled with small apartments that, by definition, have no parking spaces. "Transit-oriented communities" may have provided a good solution for Evanston, Illinois, where the idea was first implemented in a city that was going to seed in the absence of young professionals, but the re-siting of Belltown to downtown Mercer Island is not what this community needs.</p> <p>What Mercer Island does need is to keep its non-urban character-- enjoying, but not much if at all extending, the community assets that have already become important parts of our lives-- the landmark Roanoke Inn, the library, banks, grocery stores, pharmacies, coffee shops, and restaurants; the occasional gas station, a modest number of hair and nail services, a much appreciated hardware store, and our wonderful bookstore. The current reasonable number of medical, dental and other professional offices, houses of worship, helpful array of schools and educational resources, our outstanding recreational facilities, as well as our senior and community facilities all help to make Mercer Island, as it is now, a very inviting place. We have no need for what the wonderful Dr. Seuss termed "biggering and biggering and biggering and biggering". In reality, what we had here ten years ago was already fine. What we have now is more than enough. More will not be better. The benefits of residential and commercial development appear to be maximized currently, and it is our opinion that we will shortly find ourselves on the downslope of an inverted u-shaped quality of life vs. population density/development curve if we do not restrain further development on the island.</p> <p>The current metastatic proliferation of McMansions on Mercer Island is neither necessary nor desirable to the character of our community. We could not disagree more with the mislabeled "Concerned Citizens of Mercer Island" regarding their contention that homeowners should be able to build on more than 40% of the area of their lots. Restricting building to no more than 40% of the lot is perfectly reasonable, and we applaud such restrictions.</p> <p>Please accept for the record, therefore, our testimony that we fully support:</p> <ol style="list-style-type: none"> 1. The 40% building area restriction. 2. Requirement for a daylight plane setback in all new buildings. Remodels by homeowners continuing to live in their homes (but not remodels by developers) could perhaps be excluded from this requirement, as it could create possible hardship in situations where the existing structure had no such setback. 3. Requirement of AT LEAST 30% tree retention on lots undergoing new construction or remodeling (particularly as many new homes built by developers partially on old foundations somehow get away with calling themselves remodels. (Retaining trees is critical not only to preserving the character of the island, but also to maintaining geological stability, since so many of our homes are built on slopes. For sloped lots, a 30% tree retention might not be sufficient to hold the soil, and more trees may be required, as informed by a geologic survey. 4. Permeability requirements should be maintained, permitting either formal front yard landscaping, native planting front yard landscaping projects, or even leaving the front yards in a natural state. <p>What should NOT be permitted is bare soil or concrete for front yard</p> <ol style="list-style-type: none"> 5. Increased side setbacks. <p>We believe, moreover, that re-zoning to allow building on smaller lots than currently specified in any given area, and subdivisions of existing residential lots should be allowed only under the rarest of circumstances.</p>

	Date	Name	Comment
			Finally, we would like to register our firm opposition to the building of any "transit oriented communities" on the island, as these would severely deteriorate the non-urban milieu we elected when we chose to purchase a home on Mercer Island, and cause a reduced quality of life for all Mercer island citizens.
326.	4/5/2017	David Youssefnia	<p>I'd like to add the following to my comment from below. Attached are a few documents I'd like to include 1) SportBase Infiltration Findings a study on the infiltration and perviousness of the sport court materials we'd like to have included/categorized as pervious. The draft code lacks any definition of pervious/impervious and we'd like the city to categorize sport courts made of this material and in this fashion as pervious. Page 7 of the report shows us that this material drains better than PERVIOUS Concrete.</p> <p>Additional documents: Site Prep Specs, Installation Instructions and Spec Sheet.</p> <p>Finally, I've included a link to a youtube video on how these courts drain (https://www.youtube.com/watch?v=-2Zy_EKuOq4), here they show us how the material and system used is way superior than concrete.</p> <p>Hopefully, you will include these in the updated code.</p>
327.	4/6/2017	William Mason	<p>I've heard that the city is considering limitations on the amount of square footage that a single family owner can build on their land. I and my wife fully support this downsize proposition. As a forty year resident of Mercer Island I am saddened to see the proliferation of mega houses on small lots that have taken away from the character of our community. Additionally these large homes while being out of proportion and are a blight on the rest of the neighborhood...also make Mercer Island that much more expensive for many to live in our community.</p> <p>Unfortunately we were out of town last night and were unable to attend the public hearing...please vote for this proposition.</p>
328.	4/6/2017	Jamie Lutton	<p>I sat in the back of the meeting last night, and saw some rather upset residents sounding off about how much they thought the new standards would bring down their property values. I believe that people (or companies) with financial interest in the outcome may have frightened some residents. This is regrettable. I have had a business on Capitol Hill, in Seattle for 30 years, and have seen what "progress" run amok has done to my local neighborhood there. For just one example, Sound Transit, in my opinion, was hostile and ham handed when they displaced businesses and homes for their Capitol Hill station location. The area was an construction eye sore for nearly a decade, and many local businesses who had been operating for decades successfully failed. There is still a giant hole in our neighborhood. A huge city block of paved land is still there, with a chain link fencing around it by the stations(it is not even be used for parking, which would be useful!). All for "plans" for the some future commercial project that Sound Transit has not built yet (I think they don't have the money). All of this was wished on us as an "improvement" of the neighborhood. The developers are happy, and wealthy but the residents and local small businesses are not (if they even still exist). And it is so very, very ugly. I urge Mercer Island residents to walk around Broadway, at the new Sound Transit stops, and see the giant empty lot were prospering businesses used to be. There used to be a 1930's beautiful brick buildings which have been replaced by a blasted landscape of empty pavement. Watching all of this, living through all of this, trying to survive all of this, made me suspicious of eager developers ever after. This is of course, only an analogy, but when you 'follow the money' you may find persons who do not care enough for trees, or the environment, or water run off problems, but only short term gain for their company or themselves. We must try to preserve the reason we moved to Mercer Island in the first place - it's quiet and natural beauty. I support the current plan put forth, in most particulars, but I did not speak up at the meeting, as I was put off by some of the comments made by people who were 'sure' that these new standards were a disaster. I did not want to be the target of some upset person(s) ire. My fiancee spoke up (Bernard Chester) and he briefly urged you to simplify the application process for new builders and for people who seek to remodel their homes. A lot of the ire directed at your new standards might be removed if residents knew that the permitting process would not take a year or more to complete. I had a similar experience when I remodeled my current store location ten years ago. When I dealt with the City of Seattle, they made me jump through some pretty stupid hoops to be able to open. Every time I went to the planning offices, I dealt with a new person, and had to re-explain my project, and redo my application paperwork. All this delayed my opening by a full extra month at least and cost me about twenty thousand dollars. I joked with people around me at the time that this wretched experience, (which dragged on for months and months), taught me why so many business owners and home owners are hostile towards city "planners". So, take a long look at streamlining the paperwork and the hoops residents and home-builders have to jump though, and you may win greater support for your new standards. Thank you for your time reading all of this.</p>
329.	4/6/2017	Georgia & Steve McCoy	<p>I recently received a letter from "Concerned Citizens of Mercer Island" listing the impacts the proposed land use restrictions will have on property owners. The perspective of the organization is obviously that of builders, developers, and folks trying to capitalize on buying and selling property in Mercer Island.</p> <p>I applaud the City Council for proposing to restrict the size of homes and the way our neighbors are impacted by speculative builders and developers. Our neighbor is beautiful and we care about the families that live in the house more than we care about how much our houses are worth.</p> <p>A lot in our block recently sold and we and our neighbors are concerned about size of the house being built. As current neighbors have made improvements to their homes, they have been cautious to maintain the character of the area and respect our neighbors.</p>

	Date	Name	Comment
			Please remember that Mercer Island is home to most of us and not just another place to see how much money we can make by buying and selling houses. Please stand firm and keep Mercer Island a wonderful place to live and raise our families.
330.	4/6/2017	Jim Swanson	I am writing to say that I support the Mercer Island City Council members in their efforts to limit buildable lot.
331.	4/7/2017	Julie Tseng	We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.
332.	4/7/2017	Tom Ulie	<p>Thanks for your work on this project and most recently for addressing our community this past Wednesday.</p> <p>How did this project start? Who requested it for what reason? Please send the latest rendition of your planned recommendations and with associated data that went into its formulation to the extent that such supporting data has been formulated and is easily transmittable. Also, please send copy of the charts you used in the presentation.</p> <p>I left right after your 10 minute presentation as I simply do not know enough about where you are at or the project outside of our Mercer Island Reporter rumors to chime in.</p>
333.	4/7/2017	Meredith Adami	I am in favor of the strict land use and protection of our trees, parks, and open spaces. NO more 1 or more large homes being built on lots that used to have one small home with a yard and lots of trees. or on the side of a hill with all of these lots clear cut first. How about taking and posting some pictures of what's left of our tree canopy juxtaposed with pictures from past years as was done when I first moved here 20 years ago. Should be eye-opening. Stop letting developer/realtors/ builders ruin our island.
334.	4/7/2017	Tom Leonard & Marianne Leslie	<p>My wife and I have heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit all owner's property rights and restrict our ability to obtain fair value for our property. We have been paying taxes for years on the "Value" of our property as judged by the City and County based upon current use rights.</p> <p>As a near 20 year resident of Mercer Island and an owner of a home and additional Lot, it is important to us that we protect Mercer Island's character and quality of life. Having said that, we are deeply concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop our homes.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying upon home appreciation to fund retirement may be heavily impacted by the proposed changes. Having paid taxes for years on higher values, only to have the Council unilaterally take that value away, is unacceptable.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
335.	4/7/2017	Silke Reavis	Re: Downzoning on Mercer Island I am a senior citizen and rely on income generated by the sale of my property for my retirement needs. The downzone under consideration would negatively impact my property rights and severely restrict my ability to obtain a fair market value for my property. Retirement is confronted by ever increasing health care costs and a broad range of other living expenses. The value of my property is truly essential for my well being in old age. It needs to be maximized, not minimized for most of us senior citizens Please do not move forward with this downzone.
336.	4/7/2017	Kari Scanlan	Mercer Island City Council please leave the current FAR zoning intact. Do not move forward on new zoning limits that concern so few residents at the expense of thousands on the Island.
337.	4/8/2017	Sherril Small	There is so much concern about rights (to healthcare etc.), yet there is so little concern about property rights. The plan to downzone the buildable area of lots to 40% on Mercer Island is THEFT of property rights. Please do NOT support this effort. I ask you to just say NO!
338.	4/8/2017	Robin Russell	<p>I recently posted this letter on ND in response to some discussions re the PC proposed changes. One of the ND members suggested I send you all a copy. If you are interested in reading all of the exchanges the post is under the "Cowards". I was surprised my post elicited a pretty negative response but it was only from one person.</p> <p>I love MI, the community and all you do!</p> <p>Robin Russell from North Mercer Island · 19h ago Thought I would share my reasons for moving to MI since I am a relatively new resident (please don't hold this against me for future posts-my opinion and thoughts still matter I hope:)).</p> <p>I too looked all over wanting to move from downtown Seattle (Queen Anne and Magnolia) after enjoying the city life for over 30 years. I looked at Bellevue, Issaquah (which has worse traffic then Seattle at times!), Seattle outskirts, West Seattle and MI. As a baby boomer downsizing was important as I think most of us BB have accumulated all of the "stuff" we need and in fact are looking for ways to de-clutter. At first I concentrated on finding the perfect home with little thought to the community but when I started looking on MI I found the perfect everything. Location, commute, safety, friendliness, parks, police responsiveness and protection, city responsiveness (if you have ever lived in Seattle you know what I mean), most every service one would need within 3 miles (grocery, pharmacy, restaurants, PT, doctors,</p>

	Date	Name	Comment
			<p>dentists, hair and nails, dog groomers, library, exercise facilities, book store, cafes, banking, etc.) wonderful parks and outdoor spaces, walkability, and most importantly a community I could enjoy and live in for the rest of my life. I was lucky and found the perfect home (condo) and was willing to pay more to live here for the reasons listed.</p> <p>I especially love walking through the neighborhood's and marvel that there are still true neighborhood's in a community like MI. The city of Seattle has made increasing density their number one goal such that town homes and condos have taken over single family home lots blocking views and building very close to existing homes, street parking has all but disappeared, McMansions have crowded out smaller homes, community businesses have closed down replaced by mini strip malls with chain store retailers. The character of these communities is MUCH different now. And builder abuse of the codes and over building was a big contributor to the dramatic neighborhood changes-not just my opinion as has been well documented.</p> <p>I believe managing growth and building codes is vital for this very special place. Change is not a bad thing but it needs to be thoughtfully managed and carefully implemented.</p>
339.	4/8/2017	Ta Cheng & Shen Chieh Lee	<p>We are retired couples and have lived in the island since 1987. We have grown our kids here and they both graduated from island's elementary, middle and high schools and also graduated from UW. We love the island and the state.</p> <p>We strongly feel the planning commission's draft recommendations on updates to the Residential Development Standards recently will severely limit our property's value and we are relying on it's appreciations to fund our retirement in the future.</p> <p>Therefore, we are asking your kind consideration to not move forward on this new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
340.	4/8/2017	Lura Smith	<p>The proposed Residential Development Standards are reasonable and necessary to preserve Mercer Island's unique character and quality of life. I support them and urge the City Council to adopt the updates.</p>
341.	4/9/2017	Bruce Glant	<p>We have heard the City wants to Drastically LIMIT the amount of square footage that a single-family owner can build on their land.</p> <p>This downzone would severely limit property rights for owners and restrict our ability to obtain a fair value for our property.</p> <p>I do not believe the residents and voters of Mercer Island voted for the present council members so that they would DownZone Residential zoning and take away our rights and abilities to maximize our property values, to satisfy a few.</p> <p>I believe it is important to protect MI's character and quality of life, but I am very concerned that many of the changes will have unintended consequences of reducing property values and restricting a property owners ability to remodel or redevelop our homes. I have already myself experienced this problem during a past remodel, and now you want to further restrict our rights.</p> <p>I am 10 months shy of 70 years of age, and very much relying on my property appreciating as much as possible to help finance my retirement and future additional medical expenses which I'm sure I will incur in the upcoming years. DownZoning my property will GREATLY IMPACT and AFFECT my wife's and my Retirement.</p> <p>Please DO NOT move forward on new single-family zoning limits that address the concerns of a few at the expense of ALL Mercer Island Homeowners.</p>
342.	4/10/2017	Karen Laband	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home. In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes. Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>

	Date	Name	Comment
343.	4/10/2017	Eunice & Victor Michalak	<p>We've heard the city is considering drastic limitations on the amount of square footage that a single family owner can build on their land. This downzone would severely limit property rights for owners and their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life but I am concerned that many of the proposed changes have unintended consequences of reducing property value and restricting a property owners ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their home for a long time are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on a new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island Homeowners.</p>
344.	4/10/2017	Virginia Laurence	<p>In learning that the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land, I must present my thoughts as a Mercer Island homeowner. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. This is uncomfortably akin to east coast homeowner associations, one of the reasons we moved from Columbia, Maryland to Mercer Island.</p> <p>It is important to us that we protect Mercer Islan's character and quality of life, but we are concerned that many of of the proposed changes will have intended and unintended consequences of reducing proprty values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>Do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island residents.</p>
345.	4/11/2017	Gregory Thomas	<p>As a 20 year Mercer Island resident I would like to comment on the current consideration to downzone on Mercer Island. Please do not give developers undue consideration while contemplating this decision. They are spreading disinformation and engaging in scare tactics to enlist support among island residents. I trust the city council to make an informed decision that is in the best interests of Islanders without regard to the pocketbooks of developers.</p>
346.	4/11/2017	Lucia Hui	<p>I am all for the downzone. Too many large homes are being built on small lots and the grade is raised so these homes are much taller. Two new homes where built on SE 36th street and are so much taller than the rest of the newer homes. They are out of character with the rest of the neighborhood and not to mention neighbors lost their privacy. I find them an eye soar. People on the City Council don't live on my block and when making decisions don't take into consideration neighborhood impact. There are plenty of large homes on Mercer Island lets keep some homes in a manageable and affordable size.</p> <p>PLEASE PASS DOWNZONE LIMITS I URGE YOU.</p>
347.	4/12/2017	Lily Ko	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
348.	4/12/2017	Alvin Ko	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
349.	4/14/2017	Toni Okada	<p>I know there has been much said about community values or perceived lack of agreement on them. However, when I was involved with the Town Center Stakeholders group, we started out with a look at the Comprehensive Plan and information about the Growth Management Plan. I haven't kept up on any recent changes to the Comprehensive Plan, but I'm thinking the stated community values haven't changed. To me, the most important ones related to the residential code are these:</p> <ul style="list-style-type: none"> • Livability is Paramount- "...Mercer Island is the nicest of places for everyone to live." Diversity and inclusivity are important.

	Date	Name	Comment
			<ul style="list-style-type: none"> • Cherish the Environment- includes protection of trees, open spaces, clean water and air, and neighborhood quiet. • Sustainable Community- meeting the needs of the present while preserving the environment and economic and social needs for the future. <p>It might be helpful for people to understand the laws the City is required to follow and that they cannot do just anything to their property. If the community values stated in the Comprehensive Plan are still our values, then it doesn't make sense to build bigger houses, pave more surfaces, cut down trees, and not do anything to decrease our dependence on fossil fuels. Not everyone wants a 5000 square foot house!</p>
350.	4/14/2017	Suzanne Davis	<p>I attended the Planning Commission public meeting on February 25. It was informative and I appreciate that the Planning Committee held these meetings to receive public input.</p> <p>The retention of trees on properties is of extreme importance. As discussed in an article by the late Cass Turnbull we must preserve our green infrastructure, yes on Mercer Island. Far too many trees are being taken down by builders for far too many reasons. Trees take years to grow and most trees that are included in new construction landscape design are small-maturing trees where they once were big conifers. The Arborist on Mercer Island has allowed too many trees to be removed for new construction. These measures result in increased air pollution, higher increased polluted runoff in the Puget Sound, and higher ambient temperatures. It also lowers the enjoyment of our neighborhoods. Who wants to see a massive house with far too few trees and concrete up to the front door of a house?</p> <p>Houses need to be smaller. I believe that 40% is much too large but anything beats a house that is better than 45% of a lot. I would like to see our goal be to retain the traditional scale. How much do we all need to make us happy? Is size the answer? We also need the increased required setbacks. A house of 30 feet is far too great on many lots; 26 feet is a far more appropriate size. They are and look like they belong on a city lot. I believe in years past the height restriction was 26 feet. What happened?</p> <p>Yes, to limiting the size of the upper floors. This should also to houses with flat roofs because they hit you in the face with their massive, boxy appearance.</p> <p>Do let the city's development regulations help set the price for land. I desire quality of living in my life not the value of my home. Perhaps the state should not consider taxing home sales over 1 million dollars to help fund education. This cost is going to be pushed onto seniors wanting to "cash out" their property for retirement, not limiting the size of homes on Mercer Island.</p> <p>Thank you for your consideration. We need a new approach to building on Mercer Island.</p>
351.	4/15/2017	Charon Gooding	<p>On picking up my mail yesterday, I noted a flyer regarding downzoning.</p> <p>I am concerned about this downzoning. I have a reasonably large yard but 30+ years ago, decided not to build as large a home as possible as I was downsizing. Therefore, much of the property is landscaped. BUT, this was my choice. I feel that downzoning would limit property rights for owners and restrict their ability to obtain a fair value for their property. Also, only 40% use for a home? Too much government regulation. We pay a high price for the land on Mercer Island and I believe that WITHIN REASON, we should be able to build what we wish. I do not feel that building on 40% of the land we purchase is reasonable.</p> <p>Please give this some thought before deciding on the proposed changes.</p>
352.	4/17/2017	Robin Loudon	<p>My family and myself have been living on the Island since 2009 just a bit south of the Library. We are currently building a new home for ourselves in the same area and conclude after reviewing the proposed changes our new home could not be built with the changes.</p> <p>With our fairly standard 9,527 SF lot, we utilized the 45% lot coverage and are slightly below the maximum height limit. What our home goes have is 5 bedrooms, a dining room, living room, office and a bonus room (similar to a family room). A three car garage is also included.</p> <p>Though it sounds large, none of the rooms are particularly big but everyone has one, even grandma when she comes to stay for a while. The office is for all our papers that come and go running a household. We also own a number of vehicles, and the three car garage will allow us to put most of them out of sight rather than parking them in the driveway or on the street.</p> <p>This is a family home for 2017, which is a fairly typical configuration floor plan wise with desired features and room layout. The neighbors, some living blocks away, have given very positive comments about the home and the improvement it contributes to the neighborhood. Returning to the proposed code changes, the reduced lot coverage would dictate a smaller home with less utility. The daylight plane off the roof sides probably would not permit the roofline of this Craftsman architecture style home.</p> <p>I understand the concern of larger homes overshadowing smaller homes but keep in mind times have changed from the 60's and 70's of the last century. The housing stock on Mercer Island should reflect the desires of today as the older homes, especially the smaller ones are replaced.</p>

	Date	Name	Comment
			I encourage the council to keep the current codes in place, it's worked well to provide great housing options on the Island. Our home is framed without sheetrock at this point. You are welcome to come visit the home with an appointment to see for yourself how the existing codes were applied in the design.
353.	4/17/2017	Harris Klein	<p>We've heard the City is considering drastic limitations on the amount of square footage that a single-family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property.</p> <p>It is important to me that we protect Mercer Island's character and quality of life, but I am concerned that many of the proposed changes have unintended consequences of reducing property values and restricting a property owner's ability to remodel or redevelop their home.</p> <p>In addition, Island residents who have owned their homes for a long time and are relying on home appreciation to fund retirement may be heavily impacted by the proposed changes.</p> <p>Please do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners.</p>
354.	4/17/2017	Daniel Thompson	<p>Have you considered proposing reducing the 10' minimum distance from a house to the edge of an easement or access road? It seems to me the minimum width could be reduced to 5'. As it is now, a house uses the required 10' distance from the access road for one side yard, which then leaves the minimum 5' for the other side which usually abuts the neighboring house, resulting in massing.</p> <p>Usually the access road is at least 12' wide, greater if it serves multiple houses. With the 10' distance between the house and edge of the access road, this results in an effective side yard on one side of between 22' and 26' including the width of the access road, and five feet on the other side. Garage access is from the access road, so it makes sense to have the garage driveway closer to the access road.</p> <p>This change would better orient a house in the "middle" of a lot, and free up an additional 5' of side yard set back for the side of the house that abuts up against the neighboring house.</p> <p>I don't see any safety issues. It would allow a house to spread out more, decreasing the pressure on increased height to reach the maximum allowed GFA, or allow greater side yards without a loss of GFA.</p>
355.	4/17/2017	Daniel Thompson	<p>Recently the Planning Commission decided to abandon daylight planing and instead switch to variable side yard set backs to address house "massing". A current thread on ND is titled "An Open Letter to Islanders on Residential Standards". Although the original post is not very educated or helpful, the replies are, especially by Jenni Mechem. Jenni's reply is copied below along with my reply to Jenni's reply post addressing the issues surrounding variable side yard set backs, which like daylight planing is not a common regulatory tool for residential development and so has some issues, especially the set back to house height ratio.</p> <p>Although the PC's hope throughout has been to encourage more single story houses, for the reasons I discuss in my post below I don't think that makes economic sense, especially on smaller lots, and will be discouraged by the Dept. of Ecology's new storm water run off regulations I recently emailed all of you about.</p> <p>The fundamental issue with daylight planing or variable side yard set backs is the maximum allowed area of the house does not go away, it just gets shifted, like pushing on a water balloon simply moves the water within the balloon. So if a house has a greater side yard set back, that available house area will get shifted to other areas of the house, including the front façade (street), rear façade (back yard), and most importantly increased height.</p> <p>As I note below, would you rather have a three story house 8' from the side yard, or a two story house 5' from the side yard?</p> <p>The PC and everyone else understand house height has the greatest effect on the sense of "massing". Originally Evan proposed in Jan. 2017 that maximum house height be reduced from 30' to 25', with a 5' height exemption for a pitched roof, a pretty standard residential design standard. This would prevent three story houses, allow for a pitched roof, and not favor pitched roofs over flat roofs. For reasons I don't understand the PC abandoned this idea, and reverted to a 30' height limit which would allow for three story houses.</p> <p>I haven't yet seen the proposed ratio of height to side yard set back, but as I have stated in emails to you before the PC will have to consider and address maximum house height if it wants to regulate house footprint based on every other factor like impervious surface limits, yard set backs, maximum house area, and so on. Otherwise the area "saved" from variable side yard set back is going to shift to some other part of the house like water in a balloon, and my guess that shift will be increased height, exactly what this code rewrite is attempting to discourage.</p> <p>As I have also posted on several occasions, the recent changes to the proposed residential plan are very good, and my hope is the proposed draft for the council's study session will only have a few critical issues to study and comprehend, like variable side yard set backs, or at least a technique to reach that goal. I appreciate the council's scheduling a study session on this critical and complicated issue.</p>

Date	Name	Comment
		<p>On a separate note I think you all know there will be a separate motion to adopt changes to the permitting and appeal process that is scheduled for a first reading. Most of the changes are changes I have been requesting since 2013, and writing to the council about since 2014. There are a few changes I think are still necessary, some of which I have forwarded to Dan Grausz. I will prepare my thoughts on the entire proposed changes and forward that to all of you as well as Evan, and raise my suggestions with the PC.</p> <p>Thanks.</p> <p>Jenni Mechem from North Mercer Island · 3h ago</p> <p>Kathryn, that is incorrect. There is no prohibition on flat roofs in the proposed standards. In fact we switched from a daylight plane (which would have encouraged upper-story setbacks and pitched roofs) to a variable side setback so that we would avoid favoring one architectural style over another, as well as making the standard simpler and easier to apply.</p> <p>Thank Robin, Roger, and Qu Thompson from North Mercer Island 39m ago</p> <p>Thanks Jenni, I think it is good that a member of the planning commission posts on ND because it helps the citizens realize their posts are being read.</p> <p>As so many have posted before, this is not an issue about civil rights, or zoning, or property rights, but modest changes to our residential development code to address out of scale houses that began to pop up again in 2012 based on some unfortunate administrative interpretations, which the PC failed to address recently meaning around 60-100 permits that have been filed during this code rewrite will be built under the old code with its abusive interpretations by our DSG, and our neighborhoods won't see any relief under this new code for around two years as the backlog of permits move towards construction.</p> <p>Unfortunately our council had some very new members in late 2015 when Dan Grausz suggested a development moratorium on variances and deviations during the code rewrite and rejected Dan's suggestion probably not understanding it. Our mayor and then DSG then further delayed this code rewrite for another year.</p> <p>As I posted above, a city's residential development code is only one string in the ball of twine that includes state and county regulations. There isn't an option for a city in King Co. whether to enact development regulations or not, and many of the necessary regulations are determined by the GMA and our own comprehensive plan. One irony is that whereas our DSG has been taking steps to dramatically increase impervious surfaces on lots the Dept. of Ecology has been taking steps to reduce impervious surfaces through its new storm water run off regulations that are mandatory and are going to have a much more dramatic effect on the costs of residential development, limits to impervious surfaces, and scale and type of development.</p> <p>For those who haven't followed this issue, daylight planing was a technique being considered by the PC to address what is often called "massing" of houses, which boils down to 1. the height of the house; 2. the ratio of the house area to lot area; and 3. how close the house is to neighboring houses. Daylight planing was originally adopted for town center development where buildings can be up to five stories tall, and has never been tried in the town center or in residential development.</p> <p>Our current and future code restricts how close a house can be to its lot lines. The front yard set back (i.e. street front) is 25', the rear yard 20', and the side yard set backs must equal 15' combined with no less than 5' on either side. Since the side yard set back is much smaller than the front or rear yard set back a house has a greater massing to the houses on either side.</p> <p>Daylight planing would have required the second and possibly third stories of any house to slope inwards on the side yards. Concerns, other than this was an untried method, included such a rule could result in odd shaped houses, almost like a wedding cake.</p> <p>The variable yard set back mentioned by Jenni above is a replacement for daylight planing. Under a variable yard setback the entire house would have a greater side yard set back based on its overall height. The taller the house the greater the side yard set back. Of course the critical detail will be the ratio of house height to variable side yard set back.</p> <p>Variable yard set backs and daylight planing have some of the same problems.</p>

	Date	Name	Comment
			<p>Although the PC has an admirable goal of encouraging single story houses, I don't think that is likely or economically feasible, especially on smaller lots. First, the new storm water run off regulations will require much less impervious surface, and a foundation is impervious surface. Second the cost of the foundation is one of the most significant costs in construction, and a single story house has a much larger foundation. Third, it is very difficult to use all the available house area in a single story house on a small lot.</p> <p>All houses have a maximum height limit, and maximum house gross floor area in relation to the lot area. The problem with daylight planing or variable yard set backs are like the fixed volume of water in a water balloon: when you push on one side of the balloon the water -- or "area" -- simply shifts somewhere else. It doesn't go away.</p> <p>So if houses have greater side yard set backs they will be -- or can be -- taller because of the left over area from the variable yard set back, and if the variable yard set back only applies to the side yards that extra area will shift to the front and rear facades of the house, increasing the feeling of "massing" along the streets and back yards of houses. So, in effect, the "massing", or maximum allowed area, doesn't go away, it just gets shifted, either to the front of the house, the rear, or the height of the house.</p> <p>So although the PC wants to encourage single story houses it will actually be encouraging three story houses with flat roofs if it is not careful.</p> <p>I was not a fan of daylight planing. My alternate proposal was to limit maximum house height from 30' to 25' to prevent three story houses, and to allow an extra five feet in height for a pitched roof (actually this proposal was originally proposed by Evan Maxim at the DSG). This would allow for a two story house with a pitched roof, and the pitched roof would act like daylight planing or variable yard set back, albeit beginning at the top of the second story. Pitched roofs are something residential architects understand and are not complicated.</p> <p>This would not favor a pitched roof over a flat roof if the area in the attic of a pitched roof could not be livable. Both a pitched roof and flat roof house would be allowed two stories, and the same maximum house area (although the attic space if non-livable would not be counted in in a pitched roof house).</p> <p>Unless the PC wants to effectively encourage three story houses -- and height has the greatest massing effect -- the new code is going to have to prohibit three story houses and manage height so the area supposedly saved by variable set backs doesn't simply get shifted to increased height or the front and rear facades. It is very important the PC understand that if the PC requires a smaller building envelope due to variable side yard set backs that area will get shifted to some other part of the house, most likely increased height, and the PC will have spent months enacting a new residential development code that effectively increases the feeling of "massing" because it will allow, and encourage, increased height and three story houses.</p> <p>Without addressing maximum height, techniques like daylight planing or variable side yard set backs don't lessen or ameliorate the feeling of house massing. After all, would you rather have a three story flat roofed house 8' from the side yard set back, or a two story flat or pitched roof house 5' from the side yard set back, or a single story house right on the property line?.</p> <p>Originally the PC understood this dynamic, and agreed with Evan Maxim to lower height to 25' to prohibit three story houses. Then for reasons I don't understand the PC reversed course, and raised maximum height back to 30', which now again allows three story houses even though the PC's stated goal is to encourage less tall houses. I think the PC will have to revisit height limits, especially considering the DOE's new storm water run off regulations. Otherwise it will enact a code that promotes three story flat roofed houses.</p>
356.	4/18/2017	Dan Grausz	<p><u>Addendum #1 – Landscape Requirement</u></p> <p>The proposal still eliminates the impervious surface requirements for single family homes and instead creates a landscaping requirement. Issues:</p> <ol style="list-style-type: none"> 1. <u>60% Base Requirement</u>: The 60% base requirement for landscaping, which is presumably intended to tie to the existing 40% impervious surface standard, does not reflect the different impervious surface requirement applicable to lots with a slope of 15% or greater (MICC 19.02.020(D)(1)). To create equivalency, the 60% base requirement would need to be increased to 65%, 70% or 80% depending on the slope of the lot. 2. <u>Hardscape Provisions</u>: 20% of the 60% (or 12% of the total lot) can be improved with hardscape such as driveways, walkways, decks, etc. As all of these items were previously considered impervious surfaces (MICC 19.16.010), this effectively means an increase in the impervious surface allowance on flat lots from 40% to 52% (the increase is considerably larger for sloped lots). This change

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			<p>would not be what I believe the Council intended nor is it in response to any public comments that I have heard - even from developers. At a minimum, driveways, impervious walkways, pergolas, and patios should not be considered landscaping and should instead be counted as being outside the 60% landscaping requirement.</p> <p>3. <u>Softscape Definition</u>: I believe the definition should make it clear that gravel, other crushed rock, and pavers never qualify as softscape.</p> <p>4. <u>Reduction for Single Story Dwellings</u>: I agree with this change although, assuming the Commission reinstates the differential for sloped lots, this should be expressed as an increment rather than just as 50%.</p> <p>5. <u>Net Result</u>: if one looks at this provision together with the GFA provision, the combined result of these two changes is to encourage more hardscape landscaping. Addendum 1 on its face would seem to allow larger residential structures because driveways are no longer included in the 40% impervious surface/non-landscape area. However, the 40% (or even 45%) GFA limits the size of the home. Consequently, at least for multi-story homes, the builder still needs to build on less than 40% of the lot due to the GFA limit but now has the option of putting in more hardscape given the effective 52% limit. I just do not understand why this is a desirable result or that we would consider this an improvement.</p> <p>When all is said and done, the easier and more politically palatable approach would be to simply retain the existing impervious surface requirements (without allowing deviations) and authorize an additional allowance for single story homes in order to encourage them. It is much simpler to understand, does not require reinventing the wheel and avoids making a change that the public and developers have otherwise not sought.</p> <p><u>Addendum #2 – Gross Floor Area</u></p> <p>This further refines the GFA proposals. Issues:</p> <p>1. <u>High Ceiling Rooms</u>: I support this change.</p> <p>2. <u>Premium for Disabled Housing (19.02.020(l)(3)(b)(ii))</u>: I am fine with this concept but wonder whether it should be limited to single story homes as it is not clear to me why we would want to give both a lot coverage and GFA allowance for multi-level homes.</p> <p><u>Addendum #3 – Daylight Plane/ Setbacks</u></p> <p>This provides an alternative to the daylight plane concept. Issues:</p> <p>1. <u>Minimum Side Yard Depth on Wider Lots (19.02.020(C)(1)(c)(ii)(1))</u>: For lots to which the 17% standard applies, I would still like to see the minimum side yard depth be 1/3rd of the total setback requirement rather than just 5 feet.</p> <p>2. <u>Variable Side Yard Depth (19.02.020(C)(1)(c)(iii))</u>: I may have misunderstood the direction of the Commission but I thought the idea was to increase the setback for 2nd and 3rd stories rather than for the entire house as an alternative to the daylight plane. For example, the provision could require that for the part of the structure higher than 14 feet and up to 22 feet, the setback (for that part of the structure) would be an extra 3 feet (or some number) above the setback used for the part under 15 feet. Between 22 and 30 feet, it could be an extra 3 feet (or some number) above the setback used for the part between 14 and 22 feet. While I also believe the daylight plane concept is workable, if the Commission does not want to use that, this formulation or something like it would be a way of simulating it.</p>
357.	4/19/2017	Carolyn Boatsman	<p><u>Addendum #1 - Lot Coverage</u></p> <p>The draft code proposes that 60% of the lot area is landscape. Eighty percent of the 60% would be softscape or 48% of the lot area. Twenty percent of the 60% would be hardscape or 12% of the lot area. Because hardscape is part of landscape, there is a loss of 12% green space if the proposed code is adopted.</p>

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		<p>The existing code requires more green space as slope increases. The proposed code does not. There would be a loss of anywhere from 12% of green space on flat lots, as described above, to 32% on lots of 50% slope or more. There are a lot of sloped lots on Mercer Island. The loss of green space is illustrated in the table below.</p> <p>*Existing code value is shown in parentheses.</p> <table border="1" data-bbox="584 465 2930 717"> <thead> <tr> <th></th> <th>Structure (some of this may be used for hardscape as desired)</th> <th>Hardscape (non-structure) such as driveway, walks, patios</th> <th>Structure plus hardscape</th> <th>Minimum vegetated or pervious area</th> <th>Loss of green/increase in hardscape if proposed code is adopted</th> </tr> </thead> <tbody> <tr> <td>Slope <15%</td> <td>40% (*40%)</td> <td>12% (0%)</td> <td>52% (40%)</td> <td>48% (60%)</td> <td>12%</td> </tr> <tr> <td>Slope 15-30%</td> <td>40% (35%)</td> <td>12% (0%)</td> <td>52% (35%)</td> <td>48% (65%)</td> <td>17%</td> </tr> <tr> <td>Slope 30-50%</td> <td>40% (30%)</td> <td>12% (0%)</td> <td>52% (30%)</td> <td>48% (70%)</td> <td>22%</td> </tr> <tr> <td>Slope 50%+</td> <td>40% (20%)</td> <td>12% (0%)</td> <td>52% (20%)</td> <td>48% (80%)</td> <td>32%</td> </tr> </tbody> </table> <p>I can hardly believe that the staff and Commission are moving in this direction when I consider the City Council's reasons for requesting this code update. There will be great reductions in green space. Houses can be <i>bigger</i> because the builder will no longer have to use some of the limited impervious surface for the driveway. Because the box will be bigger, the incentive will increase for clerestory spaces that don't count 100% towards GFA. Fewer trees will be saved. I have heard no one at meetings that I have attended testify in favor of increasing the footprint of houses and increasing the space allowed for hardscape. The landscaping requirement should be dropped from the draft code. At the very least, it should be changed so that 60% is softscape and does not include driveways, patios, walkways and the like (hardscape). Of course, with that change, it begs the question why not leave the existing code much like it is in regards to impervious surface?</p> <p>The reasons that have been stated for the proposed landscaping requirement is that the Commission would like to foster single level houses and ADA accessible housing. Another stated reason is that it would be better to prescribe what the City would like to see rather than what it does not want to see.</p> <p>There are easy solutions to fostering single story houses and ADA accessible houses that do not require a completely different approach to regulating the use of land on a single family lot. These will be described below. In regards to prescribing what the City would like to see rather than what it does not want to see, this is probably insufficient reason for the disruption brought by this code amendment.</p> <p>First, keep the impervious surface standards as they are minus the 5% deviation. Allow an additional 10% impervious surface for single story houses on lots with slope less than 15%. Single story houses on lots with higher slopes are unlikely to be desired or feasible.</p> <p>Allow an additional 10 to 15% impervious surface on a flat lot for ADA accessible housing. More research is needed, however, into whether more impervious surface is needed on flat lots or more gross floor area (on any degree of slope), or both. The approach taken should provide demonstrable benefit. The incentives should be able to be inserted into the existing code.</p> <p>Very odd code language is the result of prescribing what the City would like to see rather than what it does not want to see. For example, the draft doesn't speak of the place on the lot where the structure will be placed. It implies that might go where the landscape doesn't. These mental gymnastics are not needed. Codes prescribe and prohibit things. That is what they are for. Clear and concise should be the goal. A reading of about ten codes in cities nearby shows that rather standard language is used to specify where a structure can be placed.</p> <p>I was really uncomfortable reading the Landscaping Objective in 19.02.020. The City is not in any way prescribing all of the detailed approaches to landscaping described - so why state the intent? Such language is likely to rile up Islanders.</p> <p><u>Addendum #2 Gross Floor Area</u></p> <p>I am in favor of the proposal to count clerestory space in GFA at rates of 150% and 200% depending on ceiling height. I may favor additional GFA for ADA accessible housing if an explanation were to be provided as to why this was needed instead of or in addition to increased impervious surface area (or decreased landscape area).</p>		Structure (some of this may be used for hardscape as desired)	Hardscape (non-structure) such as driveway, walks, patios	Structure plus hardscape	Minimum vegetated or pervious area	Loss of green/increase in hardscape if proposed code is adopted	Slope <15%	40% (*40%)	12% (0%)	52% (40%)	48% (60%)	12%	Slope 15-30%	40% (35%)	12% (0%)	52% (35%)	48% (65%)	17%	Slope 30-50%	40% (30%)	12% (0%)	52% (30%)	48% (70%)	22%	Slope 50%+	40% (20%)	12% (0%)	52% (20%)	48% (80%)	32%
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	Date	Name	Comment
			<p>The definition of Gross Floor Area should be consistent with Appendix B as follows:</p> <p>c. That portion of a basement which projects above existing grade <u>or finished grade, which ever is lower</u>, as defined and 17 calculated in Appendix B of this development code.</p> <p><u>Addendum #3 - Variable Setbacks</u></p> <p>I am in favor of the variable setback. It seems a reasonable alternative to the daylight plane and allows more flexibility in design.</p>
358.	4/19/2017	Terry Gaffney	<p>We've heard the City Council is considering a drastic limitation on the amount of square footage a single-family owner can build on their land...(A "Down zone" that would impact all single-family neighborhoods)...We are homeowners on Mercer Island and say that you "should not cave into a plan pleasing only a vocal minority of homeowners"...We as a family are strongly against it!</p>
359.	4/19/2017	Tom Gaffney	<p>We've heard the City Council is considering a drastic limitation on the amount of square footage a single-family owner can build on their land...(A "Down zone" that would impact all single-family neighborhoods)...We are homeowners on Mercer Island and say that you "should not cave into a plan pleasing only a vocal minority of homeowners"...We as a family are strongly against it!</p>
360.	4/20/2017	Ray Cafarelli	<p>I attended one of the pubic development change events and found it to be well organized and well attended. A lot of data and opinions were flying around the room. I'd like to add my voice to crowd. I believe the Mercer Island Development Staff do an extremely good job of "balancing" the needs off the community, future tenants, developers, and builders. I suspect this process was triggered by a few overtly loud voices in the community. My Vote – NO CHANGES..... BUT – If development standards are changed please create a low cost process for exceptions to the standards.</p>
361.	4/20/2017	Carolyn Boatsman	<p><u>Replace impervious surface limits with a structure and hardscape limit</u></p> <p>There is interest in deleting the impervious surface requirement from the code. Problems with it include the fact that some hardscape is pervious so the code doesn't exclude it, or doesn't exclude with any rationale (consider the fellow with the completely pervious sport court).</p> <p>Many do not want to see the amount of green space reduced from what it is now (effectively 60% with some anomolies, which I am not particularly up on).</p> <p>Replace the impervious surface limit with a structure and hardscape coverage limit that is equal to what we have now (since that's what our existing impervious limit is in practice). Define hardscape appropriately. Let applicants figure out, as they do now, how much of their limit they want to devote to structure and how much to hardscape.</p> <p>Then the City could stay out of what people do with the rest of their lot, i.e. not prescribe or try to define landscape and softscape. The latter is one aspect that I am really uncomfortable with about the draft code, i.e. trying to prescribe landscape so that something else (the house) is put somewhere else. That seems really goofy to me.</p> <p>The Development code could also stay out of what is pervious and impervious, and focus instead on what is hardscape. Leave the implications of what is impervious or pervious to regulation under the storm water code.</p> <p><u>Allot sideyard setback according to a one third, two thirds rule.</u></p> <p>For those lots that are subject to 17% of lot width sideyard setback, allot a minimum of 1/3 of the total to one side and 2/3 to the rest or other combinations so long as 1/3 is the minimum on one side. A 5' setback has never been a very enjoyable standard so if the City is going to require more total setback for wider lots, then why not address the unpleasant 5' setback?</p> <p>Thank you for considering these comments.</p>
362.	4/20/2017	Sarah Fletcher	<p>Hello, I don't know if you are aware of what happened in West Seattle whereby 150 trees were cut down illegally. Mercer Island experienced the same on the hillside in that it wasn't 150 trees, but 120 trees and the hillside is now at risk of a landslide and has to be monitored for five years and the hillside needs to be restored now. The utility company should have paid the City \$500,000 because that is how much it cost someone who cut down 120 in 2003. And what's more, the neighboring development (2424 82nd Ave SE), they had over 60 trees cut down, and they have still not replaced them. There has to be a deadline as to when they have to replace the trees, including large Cedar trees that they removed.</p>

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			As our Residential City Code is being updated, it would be a good time to include the same protections as West Seattle and that should anyone clear cut or cut down trees without a permit, it will lead to a penalty. It is the same for developers. There should be areas of Mercer Island that are declared a greenbelt and that trees on a slope or in a critical area should not be allowed to be cut down.
363.	4/21/2017	Glen Gardiner	Why are you fixing something that isn't broken? What you need to do is enforce the current standards and stop issuing variances. No matter what you do to change the standards, you're not going to solve anything since you'll continue to issue variances. This is a waste of time and tax payers' money
364.	4/21/2017	Daniel Thompson	<p>The PC has finished its rewrite of the residential permitting and appeals process, which I think overall is quite good. However there are a few additions I think are necessary that I hope we can address before the first reading at the council on May 1st. I think the additions are pretty clear and obvious, but did not come up until the very end, and I think it would be a shame if the council got credit for these additions -- which I am pretty sure the council would vote for -- when it is the PC that has worked so hard to get this rewrite of the permitting and appeal process correct, an obtuse subject for sure. For further light reading I have a very long post on ND detailing the additions I think are still necessary, and continue to work with Evan and the PC (to their delight) on maybe seeing if the PC wants to tackle these additions to complete their very good code rewrite on permitting and appeals.</p> <p>The second issue is the rewrite of the development code itself. Daylight planing is out, which I think is a good because it was untested and too difficult and complicated to model for residential development. Below I have copied a post from ND that is a pretty simple paradigm of the four tools used in controlling residential development, and how each can influence the other. Right now the PC is analyzing these four tools like a Rubik's Cube to find a replacement to daylight planing, and so I thought I would give the citizens and council a simple primer on what we are trying to do, albeit backwards from Evan's original concept.</p> <p>I hope everyone has a nice weekend.</p> <p>Daniel Thompson from North Mercer Island · 14m ago</p> <p>One of the biggest issues left in the residential code rewrite is how to integrate the four main tools to control massing: height, ratio of house area to lot area, yard set backs, and impervious surface limits.</p> <p>For example, a single story house has less height but needs more impervious surfaces for the larger foundation. Greater yard set backs restrict the footprint or foundation of the house and result in taller houses to obtain the same amount of maximum gross floor area for the house. Same with greater restrictions on impervious surfaces which restrict the footprint of the house.</p> <p>Since this code rewrite is primarily dealing with house scale, or "massing", the planning commission must understand which of the four tools is most important, and how one influences the others.</p> <p>Evan Maxim is the DSG person in charge of facilitating this code rewrite. He is from Issaquah, and brought with him a simple and elegant code concept: control the house footprint and house height, and all the rest take care of themselves. House gross floor area (or house volume) is just the product of height times footprint.</p> <p>Although the PC didn't go with this concept, it still is helpful when trying to coordinate the four tools above that in some ways contradict one another. For example, is a single story house five feet from the lot line better or worse than a two story house 10 feet from the lot line from a three story house 15 feet from the lot line.</p> <p>The PC began its focus on defining and restricting the house area to lot area ratio, going from 45% to 40%. However, before 2012 and the DSG's practice of automatically granting a 5% impervious surface deviation it was actually limits on impervious surfaces that restricted houses to around 40% of the lot area ratio. 40% basically then is the neighborhood character or consistency.</p> <p>Evan's lesson is gross floor area of the house is really the product of the tools used to limit house massing, not the primary tool itself. For example, a house with the same GFA that is three stories tall five feet from the lot line is much more abusive than a house with the exact same GFA that is spread out over the lot.</p> <p>Personally I believe house height is the most significant factor in whether a house is out of scale or abusive to the neighbors and neighborhood, depending of course on where it is sited on the lot (next to my house or my neighbor's house). However several citizens believe trees and landscaping are critical to neighborhood character, and that means less impervious surface and a smaller house footprint and thus greater height for a house with the same area.</p> <p>The PC is intrigued with single story houses. However single story houses are financially impractical due to the extra costs of the foundation, the fact it is difficult to use all the available GFA in a single story house, and the new Dept. of Ecology rules which will probably restrict impervious surfaces anyway. Even with DSG rules that since 2012 have dramatically increased maximum allowed impervious surfaces</p>

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			<p>few if any single story houses were built. With new, greater restrictions on impervious surfaces, whether from the PC or Dept. of Ecology, it is unlikely single story houses will get built under any new code unless height is restricted to one story, which isn't going to happen.</p> <p>I believe that the most important remaining element to the code rewrite is to lower maximum height from 30' to 25' to prohibit three story houses, and despite some very smart opinions on the other side I would rather see greater impervious surfaces and lower height to equal the same house GFA for the lot area. What concerns me is some of the actions the PC and Dept. of Ecology are taking will result in three story houses with flat roofs if we are not careful in this code rewrite.</p> <p>The PC is toying with some kind of variable ratio between house height and impervious surface limits and side yard set backs, but I think that is untested and probably too difficult to get right without some actual experience. I think it is helpful to return to Evan Maxim's original concept on house massing: determine the house footprint and maximum height and you have determined all the other elements, including GFA and yard set backs. Since the PC has decided to bascally do that backwards, and determined the maximum house to lot area ratio first, the final things to do are to determine maximum height (which I think should be 25' or two stories) and then the necessary impervious surface limits and yard set backs that are necessary to build a two story house that equals 40% of the lot area.</p>
365.	4/23/17	Patrick Fox	<p>We've heard the city is considering changing zoning to limit home square footage that can be built on a lot.</p> <p>We oppose this idea and support keeping existing standards for building on Mercer Island.</p>
366.	4/26/2017	Suzanne Lusnia	<p>We have been residents of Mercer Island for 14 years. We do not like the prolific mini mansions/developer houses popping up all over the island. These seem to get exceedingly too large for their lot size. Allow them to be built a little bigger and they will continue to get bigger still. We need "normal size homes" with yards around them providing someplace for the rainwater to absorb, not run into the lake... And the trees. Homes should be built around existing trees. That was the rule in Atlanta where I lived before moving here. There area so many fewer trees on MI than there were 14 years ago.</p> <p>These developers are robustly working for the money, not the neighborhoods. Residents should have the loudest voice in this subject, NOT people in the "business" such as builders, real estate agents, and developers. They are not "living" in these neighborhoods.</p>
367.	4/28/2017	Hamish Anderson	<p>I wanted to voice my concerns about the new code requirements coming this July, as a general contractor I would like to see the city adapt some vehicle to grandfather in people wanting to develop there land but not knowing what the new code will have in it. As a contractor we hire Architects, interiors designers, civil and structural engineers costing thousands and thousands of dollars but don't know if it will be allowed.</p>
368.	4/29/2017	Bei	<p>Dear Mercer Island Council Members: We've heard the City is considering drastic limitations on the amount of sqft that a single family owner can build on their land. This downzone would severely limit property rights for owners and restrict their ability to obtain a fair value for their property. Specifically: - The changes on 45%->40% is very much lower than other regions in king county area, which will impact the value of the propertes on the Mercer Island. - Islanders who have owned their homes for a long time and are relying on home appreciation to fund retirement may be impacted heavily. - The proposed changes on the limitation will cause unintended consequences of reducing property values and life quality. - The proposed changes will make the existing homes that are >40% unreasonably high premium values, which will severely break the harmony of the house market on the Island. Pls. do not move forward on new single-family zoning limits that address the concerns of a few at the expense of all Mercer Island homeowners</p>
369.	4/29/2017	David Killough	<p>I reside at 7550 SE 71st Street, and the homes on 71st Street below West Mercer Way (all Zone R15) are all subject to the following recorded reciprocal view covenant:</p> <p>No structure shall be erected, altered, placed or maintained on any lot which, in the opinion of the Architectural Control Committee referred to herein, will unreasonably interfere with the view from other lots in the development. Nor shall any tree, shrub or other natural planting not growing on a lot in this development on the original date of this declaration, dated March 24, 1967, be permitted to grow to a height which will, in the opinion of the Committee, interfere with the view from other lots. (Covenants, Art. II, § 14, emphasis added.)</p> <p>The views from the homes on SE 71st Street are very important to the use and enjoyment of the properties by me and my neighbors, as well as contributing substantially to the economic value of our properties. As such, our being able to enforce the recorded view covenant is critical.</p> <p>The current City Tree Code is consistent with our private property covenant, in that the current Tree Code provides that: 19.10.040 Criteria. B. Trees on Private Property. When a tree permit is required to cut a tree on private property, the tree permit will be granted if it meets any of the following criteria: 3. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition, view easement or other easement, or other restriction encumbering the lot that was recorded on or before July 31, 2001; and subject to MICC 19.10.080(A)(2). (Emphasis added.)</p>

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			<p>However, the currently proposed draft revised Tree Code appears eliminate this protection for Zone R15, and to maintain a similar provision only as to commercial and multifamily zoning designations: 19.10.040 Tree removal review and approval. 6 A. R-8.4, R-9.6, R-12, and R-15 zoning designations - Tree removal not associated with a development 7 proposal. C. Commercial or multifamily zoning designations - Tree removal. A tree permit will be granted if it meets any of the following criteria: 3. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition, view easement or other easement, or other restriction encumbering the lot that was recorded on or before July 31, 2001; and subject to MICC 19.10.0980(A)(2)(B). (Emphasis added.)</p> <p>At a minimum, I ask that this provision also be maintained, as in the existing operative Tree Code, for all residential single family properties – and in particular for properties Zoned R15. Better yet, cutting or removal of trees to comply with a view or other pre-existing recorded property covenant should be exempted entirely from the permitting process.</p>
370.	4/30/2017	Mike Larson	<p>I recently received a letter in the mail informing Mercer Island homeowners that the MI City Council is considering some regulatory changes that would have the effect of "limiting your property rights and diminishing your home value." The Concerned Citizens of Mercer Island who sent this letter intended for residents to write City Hall protesting these changes, but I applaud our local government for taking action and think these common sense regulations are long over due!</p> <p>My family and I have been MI residents for 8 years and in that time we've seen a countless number of the more affordable properties bought up and redeveloped with house that are only affordable to a very affluent few. I look at this practice with disgust since it does not benefit the people of MI, only the few greedy builders who specialize in this abusive practice while harming the culture of the Island. If this practice is allowed to continued unchecked Mercer Island will only be inhabited by a select few, leading to a less diverse and less inclusive population.</p>
371.	5/2/2017	Lynn Hagerman	<p>I am submitting these comments prior to your Wednesday May 3 meeting, and to be put into the public record, on the topic of Trees,</p> <p>Aesthetics, along with open space / green spaces, and trees... these are essential to the quality of life on Mercer Island, and this differentiating factor (the trees) may be one of the most distinctive aspects for Mercer Island from other neighboring suburban areas. I've mentioned at meetings that the more we erode this, we do so at risk: this factor may be the one that impacts our quality of life the most and also can impact detrimentally what we all enjoy most about living here, and what we all enjoy in property values, too.</p> <p>Given that Aesthetics is important and matters:</p> <p>I was concerned to hear Evan Maxim, from the City Development Services Department, (and others on the Planning Commission) describe the Tree Issue simply as Aesthetic. There's a growing body of public health research that supports the health benefits of trees.</p> <p>Please do not refer to the Tree Issue; any longer as simply an aesthetic issue---In doing so, you are ignoring common sense, as well as a large body of scientific research related to:</p> <p>Air quality Cooling and Temperature Control (Canopy affect on Urban Hot Spots) Individual and Public Health</p> <p>Related to Air Quality: the presence of trees has been related to significant reduction of and management of toxins</p> <p>Related to Cooling and Temperature Control: The presence of trees is now being viewed as a more promising direction for cities to take to manage Urban Hot Spots than the use of air conditioning</p> <p>Related to Individual and Public Health: Trees / and Canopy have been related to and shown to have an impact on: Infant birth weight Asthma and respiratory illnesses Reductions in physical and emotional stress ADHD symptom management Recovery from surgeries Propensity to exercise and maintain exercise programs, Mental and emotional health status</p>

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		<p>Please see attached references, research.*</p> <p>We have not even talked about the relationship and use of trees for environmental benefits related to erosion control and wind protection.</p> <p>The Tree issue is much bigger than you may wish it to be, and I can understand the fatigue you as a Commission must have at this point. Perhaps there's a way to not let the fatigue get in the way of doing what is needed. You carry on your work as Stewards. This is the only place that anyone is looking at the collective benefits and risks for the Island. The rest of those involved are individuals and also proprietary in interests. PLEASE don't ignore your role by focusing on a single aspect 'aesthetics' and proceed in a way that is ignorant to the environmental and public health aspects of your policy decisions and the tactical aspects of the code revisions recommendations that carry out the policy. Your focus is limited if it doesn't take a broader view and take a stand that represents stewardship.</p> <p>I think that regulating trees in the direction the Commission is currently headed can only be minimal in its impact. To my mind, the only way to address this is with the scale of homes / corresponding to the size of lots. Even with the drawbacks of permeable and surface requirements, this (permeable surface code) did have an impact on hardscaping and maintaining green space on each lot, (which often includes trees.) I want to encourage the Commission to keep the impermeable surface part of an approach to the code and also focus most on the scale of buildings related to the lot size and the scale related to neighborhoods.</p> <p>The Canopy: should be viewed in terms of shade, glare, temperature control, wind force absorption, erosion, air quality and public health along with the desirability of our neighborhoods (aesthetics.)</p> <p>Tree retention: be aggressive about this. Find a way to encourage building that respects the natural landscape and trees that exist on / around the site.</p> <p>Trees are community assets and not just property owner assets. The community has an interest in their removal, not just the owner.</p> <p>Fir trees and other conifers do best in groves, or clusters. They do not stand-alone and something in the code needs to reflect and modulate this.</p> <p>I'd like to see Mercer Island have a list of desirable urban trees that are encouraged for planting for specific areas, as does the City of Seattle. I.e. for right of way, near streets and sidewalks, and for erosion control, water retention, shade, etc.</p> <p>There are many egregious examples of tree removal on the island and subsequent impacts. One is on 60th where two lots were combined for a massive house. The developer qualified under the current tree ordinance by leaving two very small, (not higher than 6 feet) unhealthy crab-apple trees and one evergreen tree. In place of that: the developer removed many 20-30+inch circumference mature and beautiful cedars, and many fir trees. This was approved by the City arborist.</p> <p>At my house: at the intersection of 32nd, 61st and 65th: there was a line of poplars, along 32nd, and the Proctor property had many large and mature trees. The poplar tree windbreak may have included some diseased trees. The point is, though, someone who had a more natural connection to the site realized a windbreak was needed. As the wind comes up the from the south, across the lake, and hits the "ball of the foot" location of the MI footprint, and there is significant force, often forcing the rain sideways and now for us, it hits the south of the house, hard. Without the windbreak, our house suffered sideways rain blowing in a sustained way against the windows and siding; and concomitant to the tree removal, it was necessary for us to replace siding and windows along that side of our house. I'm using this example as one example for the windbreak that trees provide. The weather pattern at our home has changed due to the removal of trees on another person's property. This is also an example of how 'private property' decisions impact others in surrounding homes.</p> <p>Once again, this is a broader issue than aesthetics and Trees and Canopy have an impact on our individual and collective public health... this is now in the science, not just something promoted by 'tree-huggers". I realize this is a complex issue and probably requires a more complex and nuanced response than what the Commission can do in a short time.</p> <p>The Atlantic: The Health Benefits of Trees: https://www.theatlantic.com/health/archive/2014/07/trees-good/375129/</p> <p>"Trees in urban areas are substantially more important than rural trees."</p>

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		<p>Another medical study found that women recently diagnosed with breast cancer were better able to focus their attention if they spent two hours a week in natural environments, ostensibly because of stress mitigation.</p> <p>Nowak, just as incapable of fully disconnecting as anyone, replied to me shortly after his automated response. "The takeaway is that trees have a huge impact on pollution," he told me by phone, "and when populations increase, trees have a greater impact based on being close to where people live."</p> <p>"We need to start having this discussion," Nowak said, referring to factors more quantifiable than did Thoreau, "about the impact of trees on human health."</p> <p>Why Public Health Researchers Are Looking to Urban Trees A global study finds they can help cool cities and reduce air pollution—for less money than high-tech answers</p> <p>Read more: http://www.smithsonianmag.com/science-nature/why-public-health-researchers-are-looking-urban-trees-180960985/#Dxeg2EkGGrtJGEHq.99 Give the gift of Smithsonian magazine for only \$12! http://bit.ly/1cGUiGv Follow us: @SmithsonianMag on Twitter http://www.smithsonianmag.com/science-nature/why-public-health-researchers-are-looking-urban-trees-180960985/</p> <p>A new report by environmental nonprofit The Nature Conservancy lays out how trees could pave the way to cleaner air and cooler cities. Using geospatial information on forest cover paired with air pollution data and population forecasts for 245 cities, researchers found that trees have the biggest health payoffs in densely populated, polluted cities like Delhi, Karachi and Dhaka. The Conservancy and the C40 Cities Climate Leadership Group presented the findings of their global survey this week at the American Public Health Association meeting in Denver, Colorado.</p> <p>Trees are already doing a lot of work to make cities cooler and healthier. First off, trees cool the area immediately around them through shade and transpiration, or the evaporation of moisture from leaves. That cooling is usually 3 degrees F in the area 100 feet around the trees. "It may not sound like much, but when heat waves hit, even a small drop in temperatures can add up to a reduction in lives lost," says Rob McDonald, lead scientist for the Global Cities program at the Conservancy and an author on the new report. Trees also remove fine particulate pollution by grabbing it from the air before it reaches human lungs.</p> <p>Read more: http://www.smithsonianmag.com/science-nature/why-public-health-researchers-are-looking-urban-trees-180960985/#Dxeg2EkGGrtJGEHq.99</p> <p>About Healthy Trees, Healthy People Trees and Health.org Partner Cities, including Portland</p> <p>Current Urban Forestry programs in many municipalities across the country generally do not consider public health in planting campaigns. One result of the HtHp program is to assist urban forestry programs in considering the public's health through providing an online mapping tool that can be used for identifying locations where partnering cities will see the greatest public health benefit. Shandas V, 2015. Neighborhood Change and the Role of Environmental Stewardship: A case study of green infrastructure in the City of Portland (OR, USA). Ecology and Society 20(3) 16: http://dx.doi.org/10.5751/ES-07736-200316. Using Urban Canopy Designs to Improve Air Quality and Public Health in Metropolitan Areas of the U.S.</p> <p>Rao M, L George, T Rosensteil, V Shandas, and A Dinno, 2014. Assessing the relationship among urban trees, nitrogen dioxide, and respiratory health. Environmental Pollution 194: 96-104.</p> <p>Shandas V, and L George (2009). "Spatial Patterns of Air Toxins in the Region", Metroscape (view article)</p> <p>Duh JD, V. Shandas, H. Chang, and LA George (2008). "Rates of Urbanisation and the Resiliency of Air and Water Quality," Science of the Total Environment 400 (1-3): 238 - 256 (view article).</p> <p>Public Health Benefits of Urban Trees: http://canopy.org/wp-content/uploads/Public-Health-Benefits-of-Trees-2-15-11.pdf</p>

	Date	Name	Comment
372.	5/2/2017	Lynn Hagerman	<p>1. Preference for single story homes. At the last Planning Commission meeting, April 19, 2017 I was really confused and discouraged about a train of thought and resulting policy discussion related to single story vs. two story homes.</p> <p>The thinking, to the extent I can / could follow it was: The MI residential code could be changed to encourage single story homes: a) As a way to respond to the community outcry about concerns over bulk and scale of the 'big-box' houses b) As a way to encourage homes that would allow community members to age in place.</p> <p>One of the speakers responding in Public Comment described this thinking as a "solution in search of a problem", and I couldn't agree more.</p> <p>Honestly: I have been to many of the public meetings related to the residential code, and read a lot of the public comment, for the past year, and not once have I heard anyone mention a preference for single story homes. I never heard anyone say that what community resident's want is "more single story homes". I don't think anyone really is talking about protecting the 50's and 60's version of the ranch style homes, either.</p> <p>What I have heard people say is that they want to see the Commission and Council encourage (through code revision) homes that are built in scale and style fitting the neighborhood. Scale is the key word. Scale to the lot, and scale to the neighborhood.</p> <p>There has also been a lot of discussion about desired changes related to the preservation of green spaces and trees.</p> <p>So, somehow the Commission is seeing 'single story homes' as a solution. Allowing the total allowable GSF to be accomplished with a single story seemed to be a policy direction and I think it is a red herring. This would take up more of the footprint on a lot, remove more green space (and associated trees) and just work against the original objectives of the code revision process... and also work upstream against the trends of what people want to build. I just don't get it.</p> <p>It is like closing the door after the horse is out of the barn. People are not building single stories. They are building two and three story homes. These (two story homes) can be lovely, and somewhat compact, too. They don't need to be the big boxes. Big boxes and two /three stories seems to have become conflated by the Commission; actually two stories and Big Box are not the same.</p> <p>I think the issue here, to go back to the real issue: is scale. People do not want homes built that are significantly out of scale with the lot that the house is on, and significantly out of scale for their neighborhood. The Commission should get back to basics on this and not pursue this single story direction. I don't think that matters. What matters is scale.</p> <p>Smaller size (bulk) two stories would be so much more preferable to a sprawling single story house, which is what the code, as currently considered, would encourage.</p> <p>My own house is an example. I'm not referring to the design of my house, but to the scale. The house is two stories, and it is compact. It is 1780 sq ft.</p> <p>In Sum: I hope you will go back and drop this issue (single story) and pick up the issue of code revisions that change the scale of the homes as the house relates to the lot size and neighborhood character. This can be done through looking at set backs and also impermeable surface. We don't need to reinvent some new policy direction.</p> <p>2. As for encouraging aging in place: Lots of factors here are at play here, including whether people want to live here (trees, livability, services, transport, etc.) Even those elders living in two stories can age in place with adjustments, along with remodeling to create an ADU over a garage, for example, and/or in the house, and designing homes with master bedrooms on the main floor. I don't think the community asked the Council / Commission to revise the residential code, though, in order to promote aging in place. I think the Commission should get back to the original work it set out to do.</p> <p>3. Single Family Home definition: I've read a lot of the code documents, but am not sure that it addresses the issue of "What is a single family home on Mercer Island?" I think this definition is essential to manage the most egregious over building we have: for example in East Seattle we have a new single family home (?) with 12 bedrooms and 3 kitchens? Another, a single-family home with a 12,000sq ft garage? Please tackle this issue of what kind of development qualifies as single family and also what kind of development can take place in a residential neighborhood.</p> <p>4. Multiple lots.</p>

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			<p>a) When multiple lots are combined, the green space and setbacks should be proportionately more expansive.</p> <p>b) When multiple lots are combined: identify and regulate what kinds of structures are permissible. There have been some recent structures that defy leaving this up to the property owner(s), for these structures have a significant detrimental impact on neighboring homes and the community.</p> <p>5. Small Flag Lots: Please address the detail of the smaller 'flag lots' and if the code revision includes larger set backs overall for new construction, and if it includes a higher impervious surface requirement, have the consideration to grandfather in the current footprint impact = current homes. These (small flag lot) homeowners will have a hard time already selling their house if the buyers want new construction and it will be even more difficult if the new codes require something smaller than is currently in place. These small lots deserve a different treatment, and not to be penalized. For the larger lots, there is more capacity to accommodate these recommended changes.</p> <p>Thank you for considering these issues above. They may be addressed in the current code revision, but I don't see that these are, as yet, sufficiently addressed.</p>
373.	5/2/2017	Vickie Carper	<p>I was shocked to read Lynn's notice about single story homes. This is the first time I have heard about this suggestion. Where did this start?? I have not attended all the meetings , but have attended a majority of them of them; and never heard about this until I read Lynn's letter. I don't believe this is the answer anyone wants.</p> <p>I agree with Lynn's comments regarding this subject.. Please get back to the original intent of the residential code:</p> <p>" Commission and Council encourage (through code revision) homes that are built in scale and style fitting the neighborhood. Scale is the key word. Scale to the lot, and scale to the neighborhood.</p>
374.	5/3/2017	Carolyn Boatsman	<p>Addendum #5</p> <p>Front yard fence height: I'm opposed to the proposed increase in the height of front yard fences from 42" to 90", the last four feet of which could be lattice. The existing front yard fence height of 42" is suitable. I've heard no one testifying in favor of raising fence height during public testimony nor was it included in the original list of code updates to be considered. Raising fence height would cause a significant change in neighborhood character and not for the better. It would create a row of compounds, latticed ones at that, but still compounds. Four feet of lattice fencing would also look pretty silly. I don't think the City should encourage this, much less legislate in favor of it. It's a really disappointing proposal.</p> <p>It's good to see that the fence height deviation is proposed for deletion. This was an issue raised at the outset of the code update process</p> <p>Setback deviations: None of the criteria listed for approving setback deviations is tough to meet. So these deviations seem pretty easy to get, which begs the question, are we not comfortable with our minimum setbacks? Do we think they are inappropriate and, therefore, wish to provide an easy out? I hope no one builds their house 5 feet from my property line instead of 10 feet after having been treated favorably by these simplistic criteria. Sure, it will allow a nicer, bigger house for the applicant - at the expense of the neighbor. Why?</p> <p>Summary of remaining substantive amendments</p> <ol style="list-style-type: none"> 1. The City should not retain a deviation process for setbacks (see above). 2. Setback deviations should not be discretionary. 3. Average building elevation should be modified to mirror the Town Center height regulations – simple, clear, consistent City-wide. 4. Average building elevation should be modified to incorporate the lower of either existing or finished grade because the height should be the height, i.e. measured from the bottom of the wall. 5. No comment. 6. The term "reasonable and best effort" seems vague. Is it necessary? 7. Very much in favor of preserving 30% of trees and all those outside of clearing limits. 8. Minimum setbacks from road easements should be maintained rather than be reduced. <p>Draft lot coverage standards</p> <p>Many citizens requested the code update because of the additional 5% deviation in addition to the 40% impervious surface limit was so easy to get. Put another way, many citizens were opposed to 45% lot coverage because they thought it too much. This proposal, however, increases the house plus hardscape to 50%. The lot coverage should not increase with the code update.</p>

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			<p>After hearing much discomfort with the term “impervious surface”, I have come to agree that the term could be scrapped in this context. What I would favor is replacing the term with “structure plus hardscape”. The total should be no greater than the percentage we have now. Define hardscape clearly. I am so frustrated by poring over complicated tables showing prescribed landscape and how much of the landscape could be hardscape and how much of the landscape could be softscape. It’s time to forego this odd direction. Please, just tell applicants how much of their lot they can cover and leave them to figure out how much of it they want to devote to structure and how much to other hardscape. The City should not promote “landscape”, but should instead hope that whatever is not needed for development be left alone, i.e. forest or relatively undisturbed land.</p> <p>Please do not increase the amount of lot coverage. More lot coverage equals less space for trees. (I will advocate, when I comment on the tree code, for retaining as many large trees as possible [as per the current code] with a minimum of 30% [as per the proposed code]. Lot coverage will determine how many can be saved. Again, it didn’t seem that this code update process was for the purpose of saving fewer trees.)</p> <p>Here’s a very simple table illustrating increased lot coverage under the proposed code:</p> <table border="1" data-bbox="568 671 1743 842"> <thead> <tr> <th>Lot Slope</th> <th>Impervious surface maximum current code</th> <th>House plus hardscape proposed code</th> </tr> </thead> <tbody> <tr> <td><15%</td> <td>40%</td> <td>50%</td> </tr> <tr> <td>15-<30%</td> <td>35%</td> <td>45%</td> </tr> <tr> <td>30-<50%</td> <td>30%</td> <td>40%</td> </tr> <tr> <td>>50%</td> <td>20%</td> <td>30%</td> </tr> </tbody> </table> <p>Additional comments</p> <p>Request for tree canopy map: We should understand how much of the tree canopy has been lost in Mercer Island in recent decades. I have twice requested of staff that existing data from 2002, 2009, and 2015 be obtained from King County GIS and presented to us graphically. I also asked the Planning Commission for this data during the public meeting on February 25. King County GIS would do this for us for under \$400. Could the City throw \$400 at this question? It would give us incomparable context for our deliberations. I understand the pressure that the City is under because of the I-90 issue, but these simple graphic illustrations should be provided in the coming week in order to be useful in our consideration of tree code amendments. At the very least, the question should be answered: will the City promptly obtain and share this data?</p> <p>Chapter 8.24 Nuisance Control Code: I am alarmed by the wholesale elimination of many sources of noise that are currently defined as a nuisance. Under the proposed code, these noises would be considered a nuisance only if they were caused by activity under permit from the City. I think there is a misunderstanding of the purpose of the existing code which appropriately protects residents from noises in the 10pm to 7am time frame, whether under permit or not. The existing code is meant to protect us from that “weekend warrior” running his table saw in his back yard at midnight.</p> <p>I recommend that the existing provisions be largely left alone or amended only for clarity. A new section is needed to protect residents from construction noise associated with activities under permit by the City. For that purpose, the proposal is very good.</p>	Lot Slope	Impervious surface maximum current code	House plus hardscape proposed code	<15%	40%	50%	15-<30%	35%	45%	30-<50%	30%	40%	>50%	20%	30%
Lot Slope	Impervious surface maximum current code	House plus hardscape proposed code																
<15%	40%	50%																
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30-<50%	30%	40%																
>50%	20%	30%																
375.	5/3/2017	Beth Flume	<p>I am delayed in sending a response to a letter I received regarding limitations to the buildable square footage of a single-family lot. I am IN FAVOR of LIMITING the buildable square footage. I understand the economics of development and that developers want to maximize sellable square footage per lot acquired, but I do not believe that is in the best interest of our community or our property values. We moved here from Seattle so that we did not feel like we were living right on top of our neighbors and so that our kids were surrounded by front and back yards which encourage outdoor play. Building over-sized homes relative to lot size is not the answer for our community.</p>															
376.	5/3/2017	Dan Thompson	<p>I was wondering if Carolyn and her group have any thoughts on the proposed tree ordinance that is scheduled to be discussed tonight at the PC.</p> <p>For those who did not attend last Monday's council meeting, the council modified the appeals and permitting ordinance during its first reading and remanded to the PC other issues.</p> <p>The council reversed the PC and provided that SEPA appeals will first go to the hearing examiner.</p>															

	Date	Name	Comment
			<p>The DSG has incorporated a process in which it will provide a link in all permit notices to the permit materials.</p> <p>The council decided to require public notice of the application for a building permit that calculates FAR, height, yard setbacks and impervious surfaces/landscaping requirements, but left for the second reading whether to require notice of the decision. This raises the issue whether our PC or council are really going to provide notice of the application to neighbors, and even if a citizen submits written comments and becomes a party of record not give notice of the decision so the appeal period expires before the citizen even knows about it. To me, that would be like going backwards in this code rewrite, and terrible optics.</p> <p>The council remanded to the PC the issue whether to allow an admin. appeal of a building permit to the hearing examiner (assuming a citizen receives notice of the decision). This issue is somewhat confused because I don't think our city attorney, PC or council understand a city cannot deny a citizen the right to appeal a permit completely, only whether there is a right and obligation to go first to an admin. appeal, or directly to superior court (exact same issue as in the PC's decision to require direct appeals of SEPA permits to superior court which the DSG disagreed with and the council reversed). Our city attorney apparently misunderstands that MI allows admin. appeals of building appeals right now, to the building appeals board, which is being disbanded under the new code. So the correct issue is whether to allow a citizen to appeal a building permit to the hearing examiner or require the appeal to go directly to the superior court, and whether to provide notice of the decision from which to appeal so the citizen has notice in order to timely appeal.</p> <p>Two other issues I raised the council remanded to the PC:</p> <ol style="list-style-type: none"> 1. 30 days notice for all permit notices, including notice of an open record hearing or open record hearing appeal. Right now the draft code provides 30 days for all notices except notice of an open record hearing, which is 15 days, the state minimum. Scott Greenberg is not opposed to 30 days notice of an open record hearing, but wants to make sure it won't cause issues with the other notices, which I doubt it will since most hearings are set months out. 2. Whether to set up a pre-appeal conference process. My proposal is to allow any party of record (a citizen who commented on a permit application) or applicant to request one conference at the DSG to discuss any disputes. The cost for each side would be \$50 to discourage frivolous requests and to reimburse the DSG for its time. The new code allows a post appeal conference for free, but I think it would really help DSG/citizen communication and possibly resolve some minor disputes if there were a mechanism in which the DSG had to meet with a citizen/neighbor and help resolve any issues, or just explain the code for the decision. Scott is not opposed to this idea depending on its financial impact on the DSG. Personally I think there should be room in the budget to include citizens in the process, especially if they are going to be asked to approve two large property tax increases in Feb. 2018, one to prevent gutting staff levels. <p>Finally, I will be meeting with a few council members to prepare them for the study session on the 8th. I previously sent out a post I posted on ND with a simple explanation of the interplay of the four different tools to control massing: FAR, height, yard set backs and impervious surfaces/landscaping requirements, and how one affects the other (for example a single story house needs more impervious surface for the foundation to reach the same 40% FAR).</p> <p>From what I have heard from some of the council is they feel height is equally if not more important than FAR in controlling massing. I have explained Evan's concept that FAR is actually the product of the other tools used to control massing, and that since the PC started with FAR the issue now is to determine the necessary impervious surface in order to build a two story house that equals 40% FAR, assuming the PC takes steps to prohibit three story houses which I strongly support, and I believe will be a major topic at the study session.</p>
377.	5/3/2017	Carolyn Boatsman	<p>Well I don't know if one can retract a previous comment but I goofed! My simple table is indeed simple, simple-minded. I was figuring 10% of lot rather than 10% of the landscaped area.</p> <p>I will probably stop quibbling about how the code is constructed as it is beginning to make more sense to me. What I like about the proposal is that the hardscape is limited unlike the current code which allows unlimited decks with 1/8" gaps and patios and terraces made of pavers.</p> <p>One problem, the definition of hardscape includes the structures, so how do you differentiate between what goes in the 40% versus the 10% of the 60%? A related concern is where the driveway is accounted for. I strongly advocate for the driveway to be in the 40% area rather than in the 10% of the 60%. This will keep the houses no bigger than they are now since current code requires the driveway to be part of the 40% impervious surface area.</p>

	Date	Name	Comment
378.	5/9/2017	Johan Valentin	<p>Regarding the residential code development process I would like to get some more details. Before the last public meeting some residents raised concerns that there had not been enough dialogue and input taken from the residents. I walked away from the last public meeting at the Community Center having a tendency to agree. I am happy to engage in more detail as to why at a later point. Ultimately I walked away with a clear sense that the planning commission is biased toward certain views and not representing the majority of islanders in a neutral way.</p> <p>Could you recap the schedule ahead and additional public meetings that are planned before the council will ultimately vote on the planning commissions proposal?</p> <p>Also, I am rather interested in what happened with all the input that was gathered at the last public meeting (written and verbal) and how it may or may not have changed the planning commissions recommendations to the council. In particular:</p> <ol style="list-style-type: none"> 1. Avoid increasing side setbacks by 50% for normal (or even small) 2-story houses, as it would affect a majority and not only mega houses. 2. A suggestion that came up from several speakers during the last public meeting was a motion to put the new residential code up for a public vote. Has the council discussed that and if yes what was the outcome?
379.	5/9/2017 & 5/10/2017	Dan Thompson	<p>Thanks Evan and Dan, your comments have been very helpful.</p> <p>If my idea for reducing the setback from the access road to house to 5' is adopted a developer could then apply the remaining 10' side yard to the other side of the house and satisfy the variable side yard setback of 10' for a house 25' or higher, which equals no penalty for a taller house. So probably need to clarify that side yard would be 15'.</p> <p>In general I just don't think this is the rewrite the citizens or council wanted or expect. I suspect you think the same thing. For example:</p> <ol style="list-style-type: none"> 1. Height. This is the number one factor mentioned in the Oct. 19 2016 memo identifying the scope of the rewrite. At the study session several council members and PC members agreed height has the greatest effect on massing. The whole concept of daylight planing and variable yard set backs assume height is the most critical factor in massing, and why your Jan. 2017 proposal limited height to 25'. Yet the height is being left at 30', and this code encourages three story houses with flat roofs, the complete opposite of the intent of this code rewrite. The only controls on height are reducing the max height on the lower slope from 35' to 30' -- which was an abusive allowance to begin with -- but would still allow a three story façade, and a 2.5' increase in side yard setback for a two story house and 5' increase for three story house, which just are not sufficient controls. <p>I might sound like a broken record, but if there is one critical change I will work to get in this code rewrite it is lowering height to 25' to prevent three story houses, and allowing a 3-5' exemption for a pitched roof if the attic area is not livable so we don't see all flat roofed houses, something the citizens really do not like on a smaller lot.</p> <ol style="list-style-type: none"> 2. GFA. This is the second factor listed in the 10-19-16 memo to be addressed because it is the second most important regulatory tool. A GFA of 45% is too much (although if I read your email correctly the rewrite provides a 5% increase of the 40% GFA, or 2% increase of FAR?-- is that correct?) Historically GFA (or FAR) maxed out at 40% because of the impervious surface regulations. Only after the automatic impervious surface deviation was instituted did GFA begin to reach 45% (and more with the celestial space exemption), which led to this probably unnecessary code rewrite (at least as to massing). So the PC reduced GFA to 40%, although as you have always noted GFA should be the product of the other tools, and maybe a fail safe, but not the primary tool. But as so often happens with this PC as soon as they adopt one reduction they begin to offer amendments not realizing they are gutting their reduction. <p>"Accessibility" does not require a 5% increase in GFA, or a 2% increase in FAR (and I have not seen any regulations that define "accessibility"). First, most if not all of these houses under this code rewrite will be 3 stories, hardly "accessible". The increase for accessibility should be reserved for single story houses if we are really serious about the disabled and not just developers. Second a tiny fraction will be for disabled persons or persons in a wheelchair which is what we are talking about. Third, every developer will agree to a little wider hallways and doorways on the main floor for a 5% overall increase in GFA (or 2% FAR), and once again we will have house exteriors -- or volumes -- equaling or exceeding 42 --45% GFA.</p> <p>I don't see why an ADU should be allowed an additional 5% GFA (and I presume 2% FAR) unless the PC is effectively trying to rezone the neighborhoods and increase density, something the citizens are totally against, especially if the ADU is a rental. These ADU's are either rented, which just increases our neighborhood density, or basically used a separate bedroom for a nanny or teenager. We shouldn't be encouraging ADU's, unless the council and citizens agree that they are looking for increased density through basically a code change. Didn't we have this</p>

Date	Name	Comment
		<p>discussion at the very beginning, and that zoning changes were not the purview of this rewrite although a few PC members seen intent on increasing density, although there isn't the authority in this rewrite.</p> <p>The PC got it right the first time: 40% FAR, period, even though a 40% FAR is not a change from pre-2012 house scale, and should not be seen as the primary tool to address massing.</p> <p>Finally, celestial space should be credited at 200%. Otherwise we are looking at another 2% GFA, and more exterior house volume. Didn't we already go through this fight. It is just so frustrating working with a PC that changes its mind hourly. First celestial space is not included in GFA, then it is, then half of it is.</p> <p>3. Lot Coverage. This is the third element or factor, and one I did not quite understand until speaking with Dan, Carolyn and Dave, although I agree it is less important than height and GFA in controlling massing. From Dan Grausz's email the variable percentages based on slope will apply to hardscape/softscape ratios and impervious surface limits, correct?</p> <p>It sounds like you and I agree a 25% allowance for hardscape (the sport court exemption) is too much. We are going to end up with 55% of the lot (for a flat lot) being either impervious surface or hardscape, which in essence means only 45% of the lot will have any kind of vegetation, which is way too low. I don't think this was the intent of the rewrite. If necessary I would rather see some kind of exemption for sport courts, although I don't know why we are building our code rewrite around sport courts.</p> <p>4. Minimum setbacks. Number 4. The issues I have with the variable yard set back are: 1. I don't think they are enough to discourage three story houses -- a five foot increase to 10' does not deal with the massing of a three story flat roofed house and the PC's daylight planning concept understood this although it had its flaws; 2. they actually encourage three story houses (if a 25' two story house must have an extra 5' setback why not go to three stories); 3. the greater the side yard setback the greater need to build a three story house to capture all 40 -45% GFA; and 4. if the setback between the house and access road is reduced to 5' (from edge of road not crown of road I assume -- Dave thinks the current setback is measured from the crown of the road) then a 10' setback on the other side of the house for a 25-30' house is meaningless since that side yard would have to be 10' anyway to meet the 15' combined minimum.</p> <p>5. Conclusion. I am a little disappointed that after nearly 8 months of study (and two years trying to get the rewrite going in the first place) this all we have accomplished in addressing the four primary factors listed in the Oct. 19, 2016 memo. What the PC has effectively done is come up with a code rewrite that will result in significantly greater impervious surfaces/hardscape (up to 55% which I am sure was not the intent of your pivot from impervious surface limits to landscaping requirements), and will encourage three story flat roofed houses that equal a FAR between 42% and 45% along with greater residential density from ADU's. Was this the goal? Does the PC think this will reflect well on them or the council.</p> <p>All we need are a few changes that were already part of this code rewrite before the PC removed them or watered them down through other exemptions:</p> <ol style="list-style-type: none"> 1. Reduce height to 25' to prohibit three story houses, with a 3-5 foot exemption for pitched roofs so we don't end up with nothing but flat roofed houses. Lower sloped facades are also limited to 25'. I doubt a variable yard set back would be necessary, especially since reducing the set back between the access road and house to 5' will leave 10' for the side yard between houses. 2. GFA stays at 40%, period. If a developer wants a 2%-5% increase for "accessibility", that should only apply to one story houses. It is absurd to call a three story house "accessible". No increased GFA for ADU's unless the PC makes sure the council and citizens want increased neighborhood density through this code rewrite. Celestial space is credited at 200%. 3. Lot coverage. 25% hardscape is too much, and you know that. Go back to 15%. We can't design a code around sport courts. <p>The irony is every one of these suggestions were originally your suggestions, and at one time or another were adopted by the PC, until one PC member or the other started adding in their pet projects and the other PC members were too polite to say no. This is what I will push for at council adoption, and what I think the PC should send to the council for adoption. And so do you, and my advice is it would help the PC if you told them so before this rewrite goes before the council, just like the PC could have adopted the changes to the appeals and permitting process before it was amended by the council.</p>

Date	Name	Comment
		<p>Please send this email onto the council. I have not sent it to any council members other than Dan.</p> <p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-</p> <hr/> <p>From: Evan Maxim <evan.maxim@mercergov.org> Sent: Tuesday, May 9, 2017 8:10 PM To: Dan Grausz; Dan Thompson Cc: c.boatsman@comcast.net; Mark Coen Subject: RE: Clarification of May 3 amendment re: lot coverage</p> <p>Good Evening,</p> <p>The email exchange has progressed – I will try to address a few items not already addressed in your email exchange:</p> <ul style="list-style-type: none"> • The increased GFA allowance (i.e. increase from 40 to 45%) could only be used once as drafted. A builder could build an ADU or an accessible home (or include both) but the maximum GFA would be limited to 45%. As drafted, the increase is 5 percentile points in GFA (not 5% of the total as implied in one of the emails below). • The PC directed me to incorporate your suggestion to reduce the side yard setback for vehicle access easements from 10 feet to 5 feet. This will be in their 5/17 draft for their review / recommendation. • 19.02.030 requires that either the ADU or primary residence be owner occupied. This section is not changing under the current PC recommendation. • The PC has indicated that a review of the subdivision design standards is recommended (it's currently on the accompanying list of recommendations) to Council. Alternatively, language could be incorporated into this draft if I got direction along those lines from PC or CC. • Regarding the lot coverage – I did in fact question the PC regarding the increased hardscape allowance at our May 3 meeting – it was a significant departure from where they were before. I suspect this is an item we will again focus some attention on at the May 17 PC meeting. I am hoping to have some additional information from Makers to inform that review and deliberation. <p>I am happy to exchange email further as needed.</p> <p>Regards,</p> <p><i>Evan Maxim</i> Planning Manager City of Mercer Island Development Services 9611 SE 36th Street, Mercer island, WA 98040 p: 206.275.7732 f: 206.275.7726</p>

Date	Name	Comment
		<p>From: Dan Grausz Sent: Tuesday, May 9, 2017 7:28 PM To: Dan Thompson <danielphompson@hotmail.com>; Evan Maxim <evan.maxim@mercergov.org> Cc: c.boatsman@comcast.net; Mark Coen <MSCNB@msn.com> Subject: Re: Clarification of May 3 amendment re: lot coverage</p> <p>We did remand it based on Kari's statements. Given that they were in error, I am hoping to get it resolved on Monday. That dos not mean that Richard's idea shouldn't be examined but I want an interim solution.</p> <p>I don't know whether Evan intends to let someone take both the 5% accessibility bonus PLUS the ADU bonus. Good question that should be addressed by the PC.</p> <p>I will look at the things you sent us previously. Sorry for not remembering.</p> <p>Dan Grausz Mercer Island City Councilmember</p> <p>NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to Chapter 42.56 RCW, regardless of any claim of confidentiality or privilege asserted by an external party.</p> <hr/> <p>From: Dan Thompson <danielphompson@hotmail.com> Sent: Tuesday, May 9, 2017 5:19 PM To: Dan Grausz; Evan Maxim Cc: c.boatsman@comcast.net; Mark Coen Subject: Re: Clarification of May 3 amendment re: lot coverage</p> <p>Thanks Dan, those are helpful clarifications.</p> <p>I thought the council remanded to the PC the issue of allowing an admin. appeal of a building permit. The issue remaining at the council is whether to provide notice of the decision from which to appeal. As I have noted before, I am not totally sure if notice of a decision has to be issued to a party of record who submitted written comments on the notice of application anyway under state law R.C.W. 36.70B.110. To me, it would be absurd to require notice of permit application, allow an admin. appeal or appeal to superior court, but then not provide notice of the decision. I thought Richard Weinman was going in this direction last night. Maybe you could ask Kari to clarify her remarks at the next council meeting.</p> <p>So, am I correct that a developer could build a three story 30' high house with 5% extra GFA for "accessibility" (which I know Benson questioned), and another 5% for an ADU, plus only 150% of the second or celestial floor under this draft? I calculate 52% GFA in that scenario. Isn't height the number one item in the Oct. 19, 2016 memo outlining the council's scope of review?</p> <p>And as long as I am at it, what about my idea to reduce the setback between the access road and house from 10' to 5' and shift that setback to the other side of the house where developers traditionally use 5' because of the 10' setback requirement between the access road and house.</p>

Date	Name	Comment
		<p>I have sent you a copy of my Dec. 4 2015 letter on four occasions detailing the PC's decision in SUB13-008, which includes my letter to every single council member in 2014 with the permission of Katie Knight -- not one member responded. You know what I am talking about. Dave McCann resigned from the PC over the holding. Evan knows it well since he approved the final plat (w/o notice to me of course). What kind of code language are you looking for?</p> <p>"Streets, easements asphalt and access roads so not meet the definition of open space on Mercer Island".</p> <p>"A developer cannot create a non-conforming lot through a subdivision". Oh, wait, that is already state and local law.</p> <p>"A lot, conforming or non-conforming, cannot be 100% impervious surface". Oops, already part of the code.</p> <p>"A lot is exempt from development regulation or impervious surface limits if it is "jointly" owned" . State law already holds the nature of ownership does not affect applicability of development restrictions (except on MI). In fact, nearly all property is jointly owned on MI, i.e. through the marital community.</p> <p>"A seven layer access easement with retaining wall and chimney drain over 30" above grade does not meet the definition of "development" under the MICC" as prohibited in the definition of "tract".</p> <p>Maybe Evan can come up with some language of his own since it was the DSG that shoveled this crap to the PC in order to cover one of its abusive short plats.</p> <p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p> <hr/> <p>From: Dan Grausz <Dan.Grausz@mercergov.org> Sent: Tuesday, May 9, 2017 4:55 PM To: Evan Maxim; Dan Thompson Cc: c.boatsman@comcast.net; Mark Coen Subject: Re: Clarification of May 3 amendment re: lot coverage</p> <p>Dan: just to clarify a couple of items. First, driveways are still part of the 40% (or the lower percentage for sloped lots). Second, as I understand this, the "hardscape area" now includes all of the previously excluded items in 19.02.02(D)(2)(a - d); not sure about e and f. Consequently, uncovered patios and decks, as well as sports courts, have to fall within the 55% (40 + 15) where before, you could theoretically have patios and decks on your entire property.</p> <p>Second, the variable percentages for structure and driveway, depending on slope, are in 19.02.020(D)(1). My understanding is that those will be mirrored in the new rules. Under current law, a steep slope is not automatically a critical area (see the definition of critical area in 19.16)</p>

Date	Name	Comment
		<p>Third, I intend to raise the appeals issue again on Monday when we have second reading. Not yet sure what staff will say.</p> <p>The SUB13-008 is a new one for me. It would help if you could provide suggested Code language as that will help me understand the issue better. Thanks.</p> <p>Dan Grausz Mercer Island City Councilmember</p> <p>NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to Chapter 42.56 RCW, regardless of any claim of confidentiality or privilege asserted by an external party.</p> <hr/> <p>From: Evan Maxim Sent: Tuesday, May 9, 2017 4:29 PM To: Dan Thompson; Dan Grausz Cc: c.boatsman@comcast.net; Mark Coen Subject: RE: Clarification of May 3 amendment re: lot coverage</p> <p>Dan,</p> <p>I am not sure if you are intending the comments for me, or the Commission – can you clarify?</p> <p>If they are for me, I will need to respond a bit later this week as I am working on the packet for the May 17 PC meeting at the moment...</p> <p>Regards,</p> <p><i>Evan Maxim</i> Planning Manager City of Mercer Island Development Services 9611 SE 36th Street, Mercer island, WA 98040 p: 206.275.7732 f: 206.275.7726</p> <p>From: Dan Thompson [mailto:danielpthompson@hotmail.com] Sent: Tuesday, May 9, 2017 4:07 PM To: Evan Maxim <evan.maxim@mercergov.org>; Dan Grausz <Dan.Grausz@mercergov.org> Cc: c.boatsman@comcast.net; Mark Coen <MSCNB@msn.com> Subject: Re: Clarification of May 3 amendment re: lot coverage</p> <p>Thanks. That is what I said in my first email.</p>

Date	Name	Comment
		<p>Impervious surface/hardscape limits will increase from 40% today for a flat lot to 55% under the new code. For a house with a slope up to 30% impervious surface/hardscape limits will increase from 35% to 55%. For lots with a slope up to 40% impervious surface/hardscape limits will increase from 30% to 55%. Because a 40% impervious surface limit plus 15% hardscape (25% of 60%) = 55%.</p> <p>No wonder impervious surface deviations are not needed under the new code.</p> <p>I didn't even know our current code had any set IS limits for lots over 50% in grade. How many of those are there. How many 50% slopes are not categorized as critical areas.</p> <p>The Oct. 19 2016 memo setting forth the scope of the code rewrite found at exh. 3 to last night's council agenda packet lists "lot coverage (impervious surface)" as the third priority in the areas of focus on page 4. I guess I am not sure the citizens were asking for an <i>increase</i> in allowed impervious surface and hardscape areas between 15% and 25% depending on lot slope. It certainly looks like our PC and council are in disagreement with the Dept. of Ecology on impervious surface limits on residential development.</p> <p>Let me go back to some of the citizen groups and council members and see if in fact what they were asking for is dramatically higher impervious surface/hardscape limits in this new code, along with three story flat roofed houses that will equal 52% GFA when the 5% increases for "accessibility" and an ADU, along with 150% celestial credit (assuming two celestial rooms of 200 sf each), are included.</p> <p>What is the schedule for addressing the issues on remand involving the appeals and permitting process. Last night Richard Weinman suggested he had an epiphany and that some sort of site plan permit was needed early on in the process calculating height, FAR, set backs and impervious surfaces, and that permit would be appealable by a citizen/neighbor.</p> <p>My understanding is Kari Sand recognizes she misspoke at the last council meeting when she said no jurisdiction she was aware of allows an appeal of a building permit (considering MI allows such an appeal now) and now recognizes the only issue is whether to allow an appeal to the hearing examiner or require the appeal to go directly to superior court, and public notice of the decision on such an appeal, the council having decided public notice of the application would be required.</p> <p>The two issues I raised that the council remanded involved 30 days notice of the notice of open record hearing/appeal, and a process for a pre-appeal conference between parties of record and the applicant with each side paying \$50. Scott indicated he didn't have an objection to either assuming there was not a conflict with timelines or budget.</p> <p>I will work directly with Bio Park on the rather esoteric issue about whether to provide that a citizen who participates in an open record hearing <i>appeal has</i> exhausted admin. remedies for purposes of appealing under LUPA if that citizen participates at the open record hearing appeal but did not file written comments on the notice of permit application or file his or her own admin. appeal.</p> <p>Finally, as you know from the litigation over SUB13-008, our PC held that under the MICC the definition of open space includes access roads and streets, and that a developer can create a non-conforming "tract" (which is part of the definition of "lot") that does not meet the required area or width for the zone, and that non-conforming tract/lot can be 100% impervious surface in order to hold and exempt the impervious surface from the easement from the servient lot. All of this is detailed at length in my Dec. 4 2015 letter I submitted to the PC as part of this rewrite. The PC passed a motion asking the council to change this unfortunate holding as soon as possible, but the city and DSG never got around to it. It is a blatantly stupid holding but is still the law until this code addresses it, unless the DSG and PC decides to keep it. But we have to ask the PC first.</p> <p>Also, we need to clarify that both the main residence and ADU cannot be occupied by a property non-owner. Otherwise we effectively rezone our neighborhoods multi-family.</p> <p>Daniel Thompson Attorneys at Law</p>

Date	Name	Comment
		<p>506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p> <hr/> <p>From: Evan Maxim <evan.maxim@mercergov.org> Sent: Tuesday, May 9, 2017 3:13 PM To: Dan Thompson; Dan Grausz Cc: c.boatsman@comcast.net; Mark Coen Subject: RE: Clarification of May 3 amendment re: lot coverage</p> <p>Dan,</p> <p>I think you misunderstood my email below.</p> <p>On May 3, the Planning Commission directed the City to adjust the landscaping requirement to more closely match the current impervious surface lots (see table at the end of the attached memo).</p> <p>For a flat lot, 60% of the lot has to be landscaped. For a lot with a gradient of more than 50%, the landscaping requirement is 80% of the lot area. The remainder of the lot (40% in the case of the flat lot, or 20% in the case of the steeply sloped lot) may be used for house and driveway. The driveway cannot be located in the area established as landscaping.</p> <p>Up to 25% of the landscaping area may be used for hardscape (though not for driveway) – this was an increase by the Planning Commission on May 3.</p> <p>Regards,</p> <p><i>Evan Maxim</i> Planning Manager City of Mercer Island Development Services 9611 SE 36th Street, Mercer island, WA 98040 p: 206.275.7732 f: 206.275.7726</p> <p>From: Dan Thompson [mailto:danielpthompson@hotmail.com] Sent: Tuesday, May 9, 2017 3:02 PM To: Evan Maxim <evan.maxim@mercergov.org>; Dan Grausz <Dan.Grausz@mercergov.org> Cc: c.boatsman@comcast.net; Mark Coen <MSCNB@msn.com> Subject: Re: Clarification of May 3 amendment re: lot coverage</p> <p>So, are you saying the impervious surface in the access road is not included in the 40% lot impervious surface limit and is not adjusted for lot slope, and as a result the impervious surfaces from the house and garage can use up to 40% of the lot exclusive of the access road, and of the remaining 60% 25% can be hardscape. My rough calculations show that would result in lots maxing out at around 62% to 68% total impervious surfaces including the access road depending on whether the access road serves one house (12' wide) or 2 houses (16' wide) or 3 or more houses (20' wide).</p>

Date	Name	Comment
		<p>That is what I was afraid you were saying last night. You can't be serious.</p> <p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p> <hr/> <p>From: Evan Maxim <evan.maxim@mercergov.org> Sent: Tuesday, May 9, 2017 2:48 PM To: Dan Thompson; Dan Grausz Cc: c.boatsman@comcast.net; Mark Coen Subject: RE: Clarification of May 3 amendment re: lot coverage</p> <p>Dear Dan Thompson,</p> <p>The Planning Commission indicated that the driveway should come out of the portion of the lot that is not required for landscaping.</p> <p>Of the landscaping area, the Planning Commission has indicated that up to 25% of the landscaping may be "hardscape".</p> <p>I hope to have a draft out shortly which may make things clearer...</p> <p>Regards,</p> <p><i>Evan Maxim</i> Planning Manager City of Mercer Island Development Services 9611 SE 36th Street, Mercer island, WA 98040 p: 206.275.7732 f: 206.275.7726</p> <p>From: Dan Thompson [mailto:danielpthompson@hotmail.com] Sent: Tuesday, May 9, 2017 10:33 AM To: Evan Maxim <evan.maxim@mercergov.org>; Dan Grausz <Dan.Grausz@mercergov.org> Cc: c.boatsman@comcast.net; Mark Coen <MSCNB@msn.com> Subject: Clarification of May 3 amendment re: lot coverage</p>

	Date	Name	Comment										
			<p>Can someone clarify for me the current proposal for lot coverage. If I understand from last night, the house and private access road will be limited to 40% impervious surface on all lots including steep sloped lots, and of the remaining 60% 25% can be hardscape. Is this correct. Combining the 40% impervious surface and 25% hardscape allowance this equals 55% lot coverage of impervious surfaces. Is that correct.</p> <p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p>										
380.	5/10/2017	Carolyn Boatsman	<p>The Planning Commission should continue to work on the tree ordinance according to the original schedule. The draft ordinance contains nearly all of the essential features of a good regulation. It would do a great disservice to those who have worked on the ordinance including commission, staff, and citizens to put off the completion of the update a later date. The problem statement for the residential development standards update was of two parts: the scale of structures and the retention of trees. The solutions should be of two parts carefully crafted to work in concert to address the underlying issues rather than piecemeal addressing 1/2 of the problem now and the other half at some point in the future with success uncertain. The momentum should be maintained. You're almost there.</p>										
381.	5/10/2017	Carolyn Boatsman	<p>Work should continue on the tree ordinance as originally planned.</p>										
382.	5/10/2017	Dan Grausz	<p>I have updated the chart I sent you previously based on the changes that have been made at the last PC meeting as well as by the Council during first reading of the Appeals Ordinance. I know you are preparing another draft. Hopefully, the non-substantive items in the attached will be considered and the substantive ones will be brought to the PC for a final vote. As you can appreciate, I would much prefer matters be resolved at the PC level whenever possible in order to avoid having to bring the Council up to speed on an issue where that may not be necessary.</p> <table border="1" data-bbox="584 1036 2790 1768"> <tbody> <tr> <td data-bbox="584 1036 926 1237">17.14.010-Permit Duration</td> <td data-bbox="926 1036 2790 1237">In 105.5, I just do not understand the new sentence saying that permit renewals won't be granted if there are less than 60 days left of incomplete work. I think you added it in response to my prior comment: "Would suggest that you require any renewal to have been applied for at least 60 days prior to the original expiration date." If so, what I meant would be better addressed by something like: "Work may not be performed under a permit once it has expired even if a permit renewal is then pending." 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Personally and assuming "net area" is the same as "area," I will favor a higher threshold for this new provision as 6,000 sq. feet leaves out everything in the R 8.4 and 9.6 zones.</td> </tr> <tr> <td data-bbox="584 1560 926 1768">19.02.020(H) - Height</td> <td data-bbox="926 1560 2790 1768"> <p>I believe it is essential that we have one height measurement calculation at least for residential and, if I had my druthers, for all development. That is why I thought that just adopting the Town Center provisions was simple. If that is not going to happen, then I strongly believe we need to use "lower of existing or finished" in all residential calculations or we open ourselves up to criticism from developers who want to claim we are creating a nightmare.</p> <p>I am also increasingly intrigued by Dan Thompson's idea of reducing the height limit to 25 feet plus 5 feet for a pitched roof. I would take that over daylight plane or increased setbacks for taller homes. It somewhat goes back to the type of roof discussion the PC started out with.</p> </td> </tr> </tbody> </table>	17.14.010-Permit Duration	In 105.5, I just do not understand the new sentence saying that permit renewals won't be granted if there are less than 60 days left of incomplete work. I think you added it in response to my prior comment: "Would suggest that you require any renewal to have been applied for at least 60 days prior to the original expiration date." If so, what I meant would be better addressed by something like: "Work may not be performed under a permit once it has expired even if a permit renewal is then pending." 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Date	Name	Comment
		19.15.020(I)(2) Looking at Addendum 2, you may want to consider moving this new text on high ceilings to the definition of Gross Floor Area in 19.16.010 as it would seem to go better there given what else is already in the definition. Just a suggestion.
		19.02.020(I)(3)(b) – Gross Floor Area for Accessible Dwellings I am fine with this concept of a premium for accessible homes but wonder whether it should be limited to single story homes as it is not clear to me why we would want to give both a lot coverage and GFA allowance for multi-level homes.
		19.02.020(J)(3) – Large Lots On the 5-year option, I still think it should be 5 years from certificate of occupancy or otherwise 2-3 years is already taken up by construction of the first house.
		19.09.090(A)(1) – Building Pads I still have serious issues with this provision. Some items need to be “prevented” and some need to be “minimized.” Saying “minimize or prevent” gives one an option which effectively means it will always just be minimized as that is easier. With that in mind, (a) and (c) should be prevented and (b) should be minimized. I still do not have a clue what (d) is trying to accomplish. Finally, I still do not understand why we are suddenly requiring every new home to effectively have a 16’ driveway. This just means larger driveways (more hardscape and less structure) than the Fire Marshall actually requires – particularly for lots with building pads close to the street. I know from recent reviews that driveways under 16’ wide are being approved by the Fire Marshall. Would it not make more sense to tie the width to what is required by the Fire Marshall.
		19.15.010(E) A Tree Permit, at least for new construction, should be Administrative rather than Ministerial.
		19.15.020(G) I would really like to address the problem we had before with the last sentence of the opening paragraph and just provide that these criteria apply in addition to any other criteria. There is no reason to keep this ambiguity in the code. If you are not going to make that change, then I am requesting that DSG identify every remaining provision in the Code that “have criteria specified” in them which would override the criteria in 19.15.020(G).
		19.15.020(G)(4)-Variances I think we need to be more specific as to what “an unnecessary hardship” means or we will end up with the same kind of ambiguity issues we now have with deviations. For example, you could say that being precluded from building the size of house desired by the property owner is not an unnecessary hardship. I would also like to see the applicant demonstrate an environmental or community benefit that will result from granting the variance.
		19.15.020(G)(5)(b)- Deviations from Yard Setbacks Since the applicant has to meet all criteria and since one of the criteria requires less impact to critical areas or critical areas buffers, I am assuming this only applies to lots that include critical areas or critical area buffers. Please say that explicitly.
		19.15.020(G)(5)(c) – Fence Height Deviations I would appreciate your asking the PC to consider limiting this to the busier parts of ICW (north of 53 rd for ICW) and 40 th (from West Mercer to 93 rd Ave. SE).
		19.15.020(L) Just like any other “regulation” or “administrative opinion” a Code Official Determination it is always open to future challenge. I would like something like the following added at the end of this: “If a code interpretation is issued and that code interpretation is at issue in a subsequent appeal involving a permit, any party to the appeal shall be entitled to challenge the code interpretation on the basis of its consistency with the development code or otherwise on due process grounds.”
		19.16 – Average Building Elevation I wonder whether this entire definition should be eliminated at this point because, for residential areas, I think these items are covered in the new Code. As for Town Center, I don’t think it was changed to conform with the new TC Code.
383.	5/14/2017 W. Clark Powell	I speak only for the East Seattle Subdivision because this is a unique neighborhood on Mercer Island and requires unique building code. I don't really care what the code is in the rest of Mercer

	Date	Name	Comment
			<p>Island; I just want to save this unique neighborhood of historic houses and small lots.</p> <p>1.) I have two new houses adjacent to my lot and I can say that after four years the greatest friction between myself and my new neighbors is "CLAY." It seems that builders have no intention of removing clay from their projects and this causes two problems, poor drainage and now, happening for over 4 years, clay from my neighbors new home and lot pouring over their retaining wall and ruining my landscaping. This is not the home owner's fault although they are responsible for fixing it. The builder's come with bulldozers and shovels they just move this crappy clay around but NEVER haul it away. There should be a rule that requires them to remove 6" of clay and replace it with either sand and/or top soil. This is a very cheap requirement if it is done during the lot preparation. After the home owners take possession of the house and the landscapers move in, it is too late. I would have a perfect relationship with my neighbors if it weren't for this clay problem; as it stands now, I would be happy if I never saw them or their house again.</p> <p>2.) Subplating minimum for lots in the East Seattle Neighborhood should be 5,000 square feet not 8,400 sq ft. 8,400 sq ft is the minimum for the rest of Mercer Island but it doesn't work in this neighborhood. I understand that one objective of MI government is to make available affordable housing so why is the City demanding that lots be at least 8,400 sq ft? My lot is 6,000 sq ft and it is plenty big for a family of 5. This 8,400 rule does not make sense and makes it impossible to break up 12,000 sq ft lots that are common in this neighborhood.</p> <p>3.) In the East Seattle neighborhood, requiring off street, covered parking for more than one car is crazy. And the fact is that most people fill their two car garage with junk and not vehicles anyway. If you want to make a rule how about making a rule that RV's and boats may not be parked in plain view?</p> <p>4.) Scale back the "new house rules" for remodeling existing houses that change 4 sides of the house. To preserve the eclectic ambiance of this historic neighborhood the original houses must be saved but this will not happen if you tack on \$50,000 or \$100,000 of "new house" requirements. Also, the original set backs should be honored. Both of these rules cause beautiful old houses to be torn down and replaced with same rectangular box with two gabled roofs.</p>
384.	5/17/2017	Dan Thompson	<p>I previously forwarded my Nextdoor post, email to the council, and email to Evan onto Evan with a request he send it onto the PC for tonight's meeting setting forth my disappointment with this draft rewrite. Also many thanks to Dan and Scott for resolving the remaining issues on the appeals and permitting ordinance that was unanimously adopted by the council and is really a very good ordinance. It is unfortunate the PC was not able to consider and incorporate the five changes I raised in several emails to the PC, and have raised to the PC since 2014 that the council approved unanimously or the DSG simply adopted.</p> <p>Unfortunately this proposed rewrite of the development regulations is unacceptable, and will result in larger houses and greater massing than under our current code, even with the automatic impervious surface deviation. I have spoken to several council members in addition to Dan and do not see this draft surviving the first reading at the council, and as I noted in my email to the council the candidates for council this fall all list residential development reform as their number one concern (because the citizens do), so if necessary a real code rewrite can be accomplished next January if not at the first reading before this council.</p> <p>What amazes me is we have spent eight months recognizing height is the number one factor in determining massing, but instead of limiting height as Evan originally suggested in Jan. 2017 the PC has approached regulating height with every untried regulatory tool other than limiting height: 1. first it was daylight planing that would ameliorate height; 2. next it was limiting the height limit on the lower slope to 30 feet or adopting the town center slope formula which still leaves a three story façade; 3. then it was variable side yard setbacks which will have limited effect especially if a developer will now be able to designate the yard between an access road and the house 5' so there is already a 10' setback for the other side of the house.</p> <p>Anyone with any land use experience can see this rewrite not only allows but encourages three story flat roofed house, the one thing the citizens said they disliked the most and resulted in the greatest feeling of massing.</p> <p>Evan had it right in Jan. 2017 when he proposed a 25' height limit. Instead the PC has spent months looking for some magic bullet to discourage a developer from building a house over 25', except limiting house height to 25'.</p> <p>The solution at the council will be simple: eliminate variable side yard setbacks and limit house height to 25' including the lower slope of a house, and I anticipate that will pass.</p> <p>The next issue that baffles me is FAR, or GFA to lot area ratio. The only meaningful action this rewrite takes to limit massing is to reduce FAR to 40%, the historical norm before the automatic ISD. But then the PC starts to undo its own work with personal agendas that have nothing to do with what the citizens asked for: 1. a 5% increase in GFA for "accessibility" although no one can tell me what that means,</p>

	Date	Name	Comment				
			<p>and it is ludicrous to think a person in a wheelchair is going to build or buy a three story house; 2. a 5% increase for ADU's because one or two PC members are in favor of increased neighborhood density although that issue was specifically rejected early on in the process; and 3. a 150% credit for celestial space which makes absolutely no sense at all. Although I disagreed with the analysis in Admin. Int. 13-01 it at least made some sense. But to hold that celestial space is credited at one-half is nonsense, as though half the volume in the celestial space magically disappears.</p> <p>So, now we have average FAR at 45% to 47% including an unwise accessibility exemption that will never benefit someone in a wheelchair, or an ADU that results in the same increased neighborhood density that started this rewrite, and 200 sf of exempt celestial space on a R-10 lot.</p> <p>The solution at the council will be simple: 40% FAR period. If someone wants to build a single story house for accessibility, fine we can look at that, not a three story house for someone in a wheelchair. (By the way, my mother spent the last 15 years of her life in a wheelchair and guess what: wheelchair manufacturers design wheelchairs to fit through ordinary doorways which is why the vast majority of citizens who use a wheelchair live in a normal house just fine). ADU's come out of the 40% FAR. Celestial space is credited at 200%.</p> <p>Finally there is lot coverage. I think 45% vegetation is too little, and way below what we see today even with "limitless" uncovered porches. I agree with Evan that a 25% hardscape limit is too much, but am open to that especially for single story houses or if height is limited to 25'. We can't design a code around sport courts.</p> <p>To be honest I think this code rewrite is either naïve, or selfish, and represents what certain PC members want, not what the citizens asked for. The good news is it will be very easy to fix, and the issues are more easily understood by the council than something esoteric like appeals and permitting, and I already know how three will vote, and the fourth is running for reelection this fall.</p> <p>Sorry for the harsh email but I have spent 8 months of Wednesdays to get to nowhere, time that costs me \$1300 for each PC meeting at my court approved hourly rate, time I could have spent with my teenage children, when I could have just waited until the council, now or in January. I really hope Evan speaks his mind tonight, because it is better for the PC to hear it now than during the first reading</p>				
385.	5/17/2017	David Youssefnia	See additional comment from David received on 5/17/2017 here				
386.	5/17/2017	Dan Grausz	<p>here are the rest of my comments. To make this easier, I just added them to the last chart. I started doing individual comments on the Ch. 19.10 Trees provisiosn but ultimately decided that I am philosophically opposed to the entire approach that is reflected in this draft. So I am back to now thinking the tree provisions should be stripped out before this comes to Council so the rest of it is not delayed. As I explain in the attached table, I believe there is a much simpler approach to trees:</p> <ol style="list-style-type: none"> 1. All trees of 10" diameter should be covered by the ordinance. Limiting this to trees with a 24" diameter (meaning a circumference in excess of 6 feet) makes the entire chapter of very limited value. 2. In a non-development situation and subject to critical area requirements, property owners should be able to remove any tree that they want to on their property so long as they satisfy the tree replacement requirement. 3. In a development situation, the 30% plus rule should apply together with a tree replacement requirement. Where full tree replacement is not feasible due to lot size, a fee in lieu should be an option with the monies used for public trees. <p>I think this is easy to administer, respects property rights and protects our tree canopy.</p> <table border="1" data-bbox="584 1459 2800 1709"> <tr> <td data-bbox="584 1459 929 1540">19.02.020(C)(1)(c)(iii) – Side Yards</td> <td data-bbox="929 1459 2800 1540">Wording needs to be fixed in (iii) as the requirements in this section may not represent an “increase” depending on the calculations in (ii).</td> </tr> <tr> <td data-bbox="584 1540 929 1709">19.02.020(D)(3) – Lot Coverage</td> <td data-bbox="929 1540 2800 1709"> <ol style="list-style-type: none"> 1. If structure, ADU and driveway do not occupy the full 40%, I think you need to permit hardscape in the remainder of the 40%. The current language does not permit that but instead limits the hardscape to 25% of the non-structure/ADU/driveway area. 2. I hope the PC reconsiders the 25% and lowers that to 20%. 3. Paragraph (d) should make it clear that it all must be a single story. The words “with a single story” is ambiguous. </td> </tr> </table>	19.02.020(C)(1)(c)(iii) – Side Yards	Wording needs to be fixed in (iii) as the requirements in this section may not represent an “increase” depending on the calculations in (ii).	19.02.020(D)(3) – Lot Coverage	<ol style="list-style-type: none"> 1. If structure, ADU and driveway do not occupy the full 40%, I think you need to permit hardscape in the remainder of the 40%. The current language does not permit that but instead limits the hardscape to 25% of the non-structure/ADU/driveway area. 2. I hope the PC reconsiders the 25% and lowers that to 20%. 3. Paragraph (d) should make it clear that it all must be a single story. The words “with a single story” is ambiguous.
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Date	Name	Comment
		<p>19.02.020(F) – Parking</p> <p>Not sure what “net area” means in 2(a) as that is a new term (at least to me). Net of what? Personally and assuming “net area” is the same as “area,” I strongly support making that applicable to larger lots – at least to the R 8.4 and 9.6 zones.</p>
		<p>19.02.020(H) - Height</p> <p>This has gone backwards as now even the downhill façade provision is based on “existing grade” rather than “lesser of finished or existing grade.” It is essential in my opinion that the “lesser of existing or finished grade” be the standard for <u>all</u> height calculations in this provision and in Appendix G.</p> <p>I am increasingly inclined to support Dan Thompson’s proposal on 25’ height limits measured to the top of the façade but if that is not approved, then the above change is critical for this project to be successful.</p>
		<p>19.15.020(I)(3) – Gross Floor Area</p> <p>In order to avoid abuse as to accessible homes, I believe it is essential that the entire dwelling meet these standards. In particular, what good would it be for the 2nd or 3rd floor to meet the standard and not the main floor. Also, this requirement needs to be recorded against title as with the single story homes.</p>
		<p>19.02.020(J)(3) – Large Lots</p> <p>On the 5-year option, I still think it should be 5 years from certificate of occupancy or otherwise 2-3 years is already taken up by construction of the first house.</p>
		<p>19.02.050(E)(1)(c)</p> <p>I appreciate the changes already made to this. I would just ask the PC to consider limiting ICW to the area north of SE 53rd so it does not include the 2-lane parts of ICW and also not to extend the SE 40th provision west of West Mercer Way or east of Gallagher Hill.</p>
		<p>Ch. 19.10 - Trees: Overall Approach</p> <p>In reading this, I cannot agree with the overall approach. My philosophy on trees is very simple:</p> <ol style="list-style-type: none"> 1. All trees of 10” diameter should be covered by the ordinance. Limiting this to trees with a 24” diameter (meaning a circumference in excess of 6 feet) makes the entire chapter of very limited value. 2. In a non-development situation and subject to critical area requirements, property owners should be able to remove any tree that they want to on their property so long as they satisfy the tree replacement requirement. 3. In a development situation, the 30% plus rule should apply together with a tree replacement requirement. Where full tree replacement is not feasible due to lot size, a fee in lieu should be an option with the monies used for public trees.
		<p>19.15.010 and 19.15.020</p> <p>Need to be conformed with ordinance that Council passed on May 15th</p>
		<p>19.15.020(G)(4)-Variances</p> <p>I think we need to be more specific as to what “an unnecessary hardship” means or we will end up with the same kind of ambiguity issues we now have with deviations. For example, you could say that being precluded from building the size of house desired by the property owner is not an unnecessary hardship. I would also like to see the applicant demonstrate an environmental or community benefit that will result from granting the variance.</p>
		<p>19.15.020(L)</p> <p>Just like any other “regulation” or “administrative opinion” a Code Official Determination it is always open to future challenge. I would like something like the following added at the end of this: “If a code interpretation is issued and that code interpretation is at issue in a subsequent appeal involving a permit, any party to the appeal shall be entitled to challenge the code interpretation on the basis of its consistency with the development code or otherwise on due process grounds.”</p>

	Date	Name	Comment
			<p>19.16 – Average Building Elevation I wonder whether this entire definition should be eliminated at this point because, for residential areas, I think these items are covered in the new Code. As for Town Center, I don't think it was changed to conform with the new TC Code.</p>
387.	5/17/2017	Dan Thompson	<p>Below are some concepts for accessibility to help with the discussion tonight and how to determine the necessary design changes and increase in GFA for a wheelchair bound individual. I agree with Dan G. that accessibility would suggest a single story house, or all levels are "accessible" with some way for the disabled to get upstairs. Key accessibility issues involve entering the house, door widths, counter-heights, sink heights, bathroom layouts, etc. Dan G. has an interesting concept that any house that obtains additional GFA for accessibility agree to a restriction on the deed, and that the design include all necessary design modifications to meet "accessibility". For example, counters and sinks should be lower, and bathrooms designed for the disabled. Otherwise the developer is not really using the additional GFA for accessibility, and is not building the house for a disabled person.</p> <p>Wheelchair accessible home construction, modifications and remodeling in Houston, Texas can make life easier for the elderly and people with disabilities. Screen reader access Go to the content Go to the navigation</p> <p>Home Changes Wheelchair Accessible Home Modifications Can Make Your Life Easier Many of us will experience at least a temporary disability. Accidents will happen and you could find yourself using a wheelchair or walker. As we mature and grow older, getting around our home becomes more difficult. Then we ask "How can I get up those steps or through that narrow door?" Planning for this comes from far sighted homeowners, builders and remodelers who anticipate our limitations and changing needs. Traditional home builders have never really considered the needs of those who are disabled or elderly, and that can make life really hard to deal with at times. We understand these difficulties (our owner went through them!), and we want to help you make your life a little easier and more productive. That's why we offer handicap accessible remodeling and accessibility modifications in Houston, Texas. We have the solutions to your home accessibility needs and modifications to enhance and improve the safety and accessibility in your home. Move or Improve? Most of us would choose to live and retire in our own home rather than move to a nursing home or assisted living center. Your home can be remodeled and modified to accommodate your needs and physical capabilities and conditions. Your house can become more accessible with a few minor home modifications. Wheelchair accessible house plans: Older homes were not planned and built for accessibility. It may be impossible to modify your home to be wheelchair and walker friendly. Therefore you may have no choice but to move. Fortunately many of the newer homes are being built "open concept". What makes a home handicap and wheelchair accessible? It's the ability to enter the home and move around without any of the obstacles such as steps and narrow doors. There must be one entrance door without steps. The bathrooms, bedrooms and kitchen must be wheelchair accessible. We like a one story open concept home with direct access to the kitchen, bathroom and bedroom. The doors need to be at least 32" wide with a straight in approach. If the doors are located in a hallway you need plenty of turning space and 36" door. Everyone's needs are a little different, so you may have to make a few changes to the plans to suit your individual requirements and physical limitations. Handicap accessible home modifications: The demand for accessible housing will increase in future years as the elderly become a larger share of our population. Independent living and the ability to take care of ourselves allows us to remain active and depend less on others. Making your home accessible with simple home modifications, such as swing away hinges, can improve your lifestyle and the ability to live at home. Bathroom Remodeling: Your bathroom can be modified or redesigned for walker and wheelchair access. Modifications to the bathroom will help avoid injury and is our most requested service. Let's start at the bathroom door. Why do architects design, and builders insist on installing a 24" door to the bathroom? Wheelchairs need a minimum 32" door for a straight in approach. If the doorway is located in the typical hallway and requires turning a wheelchair, you'll need a 36" door.</p> <ul style="list-style-type: none"> Doors too narrow can be widened for wheelchair and walker access. We remove the existing door unit and trim. We may have to relocate the light switch. Cut out the wallboard to accommodate the wider door. Cut out the studs to widen the framed opening. Depending on the door size it may be possible just to remove the cripple studs. We then install a new wider door unit and trim. Paint all new work and repair the finished flooring. You'll need flooring material to match. With experience and proper tools, two good carpenters will complete this in about 8 hours. <p>Many times we find a door that can only open 90 degrees because it opens against a wall. This leaves the door end still in the frame opening. If you only need a couple of inches you can use swing away door hinges that will swing the door completely out of the opening.</p>

Date	Name	Comment
		<ul style="list-style-type: none"> Bathtubs can be very hazardous. Transferring from a wheelchair to the tub can be difficult. The tub area must be carefully designed to provide maximum safety. Bathtub and shower grab bars can be installed to provide support. Tub transfer seats allow persons to sit in the tub and take a bath or shower without having to lower themselves to the tub floor. Many people find it difficult to use a tub. Bath tubs can be replaced with showers. <p>It can be difficult for some of us to step in and out of a bathtub because of the high tub walls. We can make it easier by replacing your tub with a shower. We custom build our showers depending on your site conditions. The configuration of most existing bathrooms will limit the size of the shower to the tub area (standard tubs measure 30" to 34" x 60").</p> <p>There's also prefabricated molded acrylic/fiberglass shower units on the market. Some include built in shower seats. When remodeling, a 3 or 4 piece sectional unit can be used and assembled in order to get the shower through the door openings and into your bathroom.</p> <ul style="list-style-type: none"> Roll-in showers can be more difficult to install and use. We suggest a shower with a curb but, there's times when a roll-in shower is your only option. There are problems associated with roll-in showers in a remodeling situation. The size of most existing bathrooms limit the options to a tub to shower conversion. This limits the dimensions of the shower to the same floor area as the tub. A wheelchair will fit into the area but it is tight. The bathroom floor will get wet. <p>We custom build ceramic tile roll-in showers using the same basic procedures as used for a shower with a curb. There is additional work required. The tub drain is usually the same elevation as the bathroom floor, requiring jack-hammering and removing the concrete, center and lower the drain, install a rubber shower pan and the new shower floor flush with the existing bathroom floor.</p> <p>Prefabricated, fiberglass/acrylic roll-in shower floors can be considered. They can replace and are available in the same size as your standard 5' tub, and comes with a right or left hand drain. This makes it easier since no jack hammering is required and only minimal drain adjustment is needed. If you have the room, these units are also available in assorted sizes.</p> <ul style="list-style-type: none"> Toilet seat height requirements vary from one individual to another. Standard residential units are usually 17" high. This can be too low for some making it difficult to get up. Consider replacing it with the 19" ADA toilet or installing a raised seat. Many toilets are located next to the tub. We find that our #30-30 wall to floor grab bar can be very useful when installed between them. It not only helps at the toilet but also getting in and out of the tub for balance and support. The 30" length will put it just to the front of the toilet and not limit access to the bathtub.. Sinks can be installed to allow wheel chair access. Vanity cabinets can be removed from below the sink. This will expose the plumbing pipes requiring covering with insulation or boxed in to prevent contact with sharp edges and burns by hot water pipes. Pedestal style sinks can give you a little more room to maneuver, but can be difficult to use from a wheelchair and are usually a couple of inches higher than the standard vanity top. We suggest a wall mounted lavatory. Faucets can be replaced with single lever controls. Consider the use of anti-scald temperature controls that prevent the water temperature from exceeding an established limit. <p>Handicap Wheelchair Ramps: Wheelchair ramp installation is also one of our most requested services. Although the ADA and Texas Accessibility Standards do not pertain to private residential applications, we use these guidelines to build wheelchair ramps in Houston, Texas. Although there's times when a wood ramp is the only alternative, we recommend aluminum wheelchair ramps or concrete as the preferred material. Concrete, when installed properly will last many years, requiring no maintenance and can be finished with a rough texture. Wood requires constant maintenance and lasts only a few years when exposed to the Houston outdoor elements. Wood can be a real hazard, it's slippery when wet. Although slip resistance can be improved by painting the surface with a sand additive or applying those stick on grit strips, neither method will last long, requiring repeated applications. Outdoor carpet has been used, but we find that it traps moisture and promotes rot, even when using treated wood. One solution we've found to this problem, is to apply rolled asphalt roofing to the ramp surface. For more information go to wood ramps.</p> <p>Accessible Doors: In order to accommodate a wheelchair, (a standard wheelchair is 24-27" wide), doorways should be a minimum of 32" wide. If the doorway is located in the typical hallway and requires turning a wheelchair, you'll need a 36" door. It can be difficult to open a swinging door without a clear floor space (18-24") on the pull side of the door. An alternative could be the installation of an automatic door opener, but they are very expensive. We don't recommend an accordion door because of the space it takes up in the door opening. Pocket doors can be an option. Look out for plumbing and electrical lines. If there's utilities located in the wall you can consider double wall installation.</p> <p>Swing away offset hinge: Additional door clearance can be economically obtained by using the swing clear, expandable door, offset door hinges, increasing the width by about 2", and is often enough to provide the necessary minimum width for a wheelchair or walker to pass through the doorway.</p> <p>Accessible Kitchens: An assessible kitchen should provide a minimum 5 foot diameter floor space clearance to allow room for a wheelchair to turn around. It can be difficult for people in wheelchairs to reach over standard 36" high counter tops, they should be lowered to 30" providing a minimum knee clearance of 27" from the floor. Under counter base cabinets can be removed for access to the sink or work area. The sink should</p>

	Date	Name	Comment
			<p>be shallow and pipes or sharp objects covered to prevent injury. A single lever faucet should be used. A pull out or drop leaf shelf can be added for a working space. Sliding shelves or baskets can be installed in lower cabinets. A "Lazy Susan" can be added to the pantry. Electric receptacles, garbage disposal and exhaust fan switches can be moved to the front of the counter or cabinet.</p> <p>Handicap Grab Bars: We install grab bars and safety rails to insure you won't lose your balance and provide a safe, accessible surrounding. Safety bars provide stability for everyone, including the elderly and those with physical limitations. It's the most cost effective home modification we make! To learn more, check out grab bars and handrails.</p> <p>Closets: Most walk-in closet doors are only 24" wide. The door can be widened, shelves and rods lowered or adjustable shelving installed. Usually the light switch must be relocated and made accessible to the individuals requirement.</p> <p>Special Note: The term "handicap" can be offensive and is not appropriate language when referring to someone with disabilities. We apologize if we have offended anyone, that's not our intent. We use the term only to reference certain aspects of accessible construction (for the benefit of our uninformed viewers). We know that a person using a wheelchair would be much less "handicapped" in a building and surroundings that are wheelchair accessible, the extent of the handicap to an individual relates directly to accessibility!</p> <p>Do you need our help? Finding a contractor familiar with handicap accessible home construction can be a real challenge for anyone. We offer wheelchair accessible home remodeling and modifications in Houston Texas and the surrounding area. Our service begins with a free evaluation of your home. Contact us today to see how our experience in handicap wheelchair accessible home modifications and accessories for the elderly, senior citizen, or physically challenged, remodeling and construction can work for you. We also offer a wide range of accessibility and safety products for your home including a full line of bathroom accessories, grab bars, railings, shower units, shower and tub seats. Custom grab bars and railings is one of our specialties, contact us with your specifications. We can ship those hard to find items anywhere in the US. We have the accessible solutions for you and make recommendations with your current and future needs taken into consideration so we can make your life easier!</p> <p>&amp;lt;div class="statcounter"&amp;gt;&amp;lt;a title="web stats" href="http://statcounter.com/free-web-stats/" target="_blank"&amp;gt;&amp;lt;img class="statcounter" src="http://c.statcounter.com/8071679/0/646f2ed4/1/" alt="web stats"&amp;gt;&amp;lt;/a&amp;gt;&amp;lt;/div&amp;gt; home - FAQs - order online - compliance - home changes - resources - toolbox - about us - contact Go to top. Privacy Policy Disclaimer Site Map Link to Us</p>
388.	5/17/2017	Amy Sheehan	<p>I am all for limits on house size and bulk, wider setbacks and more tree protection (seems to be zero now)! Please make these changes to keep what is left of the island from becoming like what has happened in the last ten years. I grew up here and have lived here for 50 years. It is disappointing to see what has happened with all lots being scalped and mega homes put up. The character of the Island is rapidly disappearing.</p>
389.	5/17/2017	Sarah Waller	<p>When you feel like you need to sell your home, where you have lived for 30 years because you are losing your sun, privacy and looking at a 30 foot wall...that's sad. You lose great citizens, community members and neighbors. This is the impact.</p> <p>> On May 17, 2017, at 5:35 PM, Sarah <sarahwaller@comcast.net> wrote: > > Hi, > > Please come by our home at 7301 SE 32nd Street prior to making decisions on 30 ft heights. Also to revisit sun impact. You will see the impact. How can we continue to NOT do what is best for homeowners and the environment.</p>
390.	5/17/2017	David Youssefnia	<p>Here's some information from the sport court company regarding typical court sizes in case you might need it as a reference point.</p> <p>The average size for a Sport Court is anywhere between 1,200 - 1,800 sqft. These are the typical sizes for multi-purpose courts (basketball/pickleball etc.)</p> <p>Regulation Pickleball playing lines are 20' x 44'. A court with regulation Pickleball lines needs to be constructed larger than this to allow for run-out space on the baselines/sidelines. Our court with regulation Pickleball lines are a minimum of 28' x 50'. Standard sizes are 30' x 54' & 30' x 60'.</p> <p>These guys have installed a lot of courts over the years.</p>

	Date	Name	Comment
391.	5/18/2017	David Youussefnia	The sport court company who provided the average size sport court has installed between 6,000 - 7,000 installations over the past 42 years. These range from residential to commercial & are state wide (including some in Idaho/Alaska).
392.	5/18/2017	Dan Thompson	<p>Agree completely with Dan G. and am very happy he has put so much time and energy into this. This rewrite can be very good if the council just addresses the few big issues Dan raises below, and asks Evan to come back with language that gets the council there. The rewrite the council was looking for -- and Evan originally proposed -- is really quite simple, but I think the PC became bewitched with concepts like daylight planing and variable side yard setbacks, ironically to address height without simply limiting height. The real irony is Evan will just pull out his original proposal to the PC in January 2017 for the changes the council will likely want.</p> <p>Massing still just comes down to 1. height, 2. FAR and exemptions to FAR, and 3. lot coverage which more and more I think means vegetation because lot vegetation has height to screen the massing of the house. The biggest issue with a sport court is it is dead flat, and provides no screening to the house. It may be pervious from a storm water run off point of view, but from a massing point of view a sport court is no different than impervious surface.</p> <p>Not sure the council thought this rewrite would change the parking requirements for the whole Island on the last night, or some of the other changes, but we will find out. I know reducing the parking requirements was a huge issue in the past because it will require the city to build a lot of sidewalks in areas like First Hill which will cost a fortune.</p> <p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p> <hr/> <p>From: Dan Grausz <Dan.Grausz@mercergov.org> Sent: Thursday, May 18, 2017 11:44 AM To: Dan Thompson; c.boatsman@comcast.net; Mark Coen Cc: Evan Maxim Subject: Re: Summary of Planning Commission meeting</p> <p>It was interesting. I think that one of Lucia's amendments reordering all of 19.02 may end up by itself bumping the timing on this as that is a much more substantial rewrite for staff as it changes all of the cross references throughout Title 19.</p> <p>My recollection on the "sports court" provision was that it was limited to 1,200 feet of pervious recreational space that must be at ground level but otherwise, as Dan stated, it was on top of the 40% structure and the 20% of 60% (12%) hardscape. Lucia did get one good change into the 40% in that it now covers all driving surfaces (which would mean parking strips) and not just driveways.</p> <p>In reflecting on last night, the big issues that I can see raising with the Council are:</p> <ol style="list-style-type: none"> 1. Height 2. Trees 3. Extra FAR for ADU and ADA space. Suzanne made the ADU (but not ADA) 5% exception inapplicable if the combined floor area exceeds 5,000 sq. feet which is a start. Maybe lowering that could make sense. In either event, this provision needs to be amended to put something on the title as is being done for the single story homes exception or the ADU and ADA features will be included on Day 1 and potentially removed or redone on Day 2. <p>Dan Grausz</p>

Date	Name	Comment
		<p data-bbox="584 264 975 290">Mercer Island City Councilmember</p> <p data-bbox="584 368 2924 429">NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to Chapter 42.56 RCW, regardless of any claim of confidentiality or privilege asserted by an external party.</p> <hr data-bbox="584 493 1137 499"/> <p data-bbox="584 506 1230 532">From: Dan Thompson <danielphompson@hotmail.com> Sent: Thursday, May 18, 2017 11:10 AM To: c.boatsman@comcast.net; Mark Coen Cc: Evan Maxim; Dan Grausz Subject: Summary of Planning Commission meeting</p> <p data-bbox="584 707 2498 733">Hi Carolyn, thanks for your comments. I hope your husband is doing better. I am copying Evan since he will be taking this rewrite before the council for the first reading.</p> <p data-bbox="584 778 2909 838">One amendment you might be interested in was Richard Weinman's motion -- which was adopted -- to adjust the landscaping requirements to 80% softscape (up from 75%) and 20% hardscape (down from 25%) with a complete exemption for sport courts or similar pervious sporting surfaces. 100% of the lot can now be covered in pervious sport court. I kid you not. Zero required vegetation.</p> <p data-bbox="584 883 2909 973">Another interesting amendment -- on the fly -- was to reduce the parking requirements for every house on MI, from 2 covered spots to one. In the past it was my understanding the smaller lot neighborhoods like First Hill wanted off-street parking requirements so cars didn't park in the street and force pedestrians into the road. Since this was first raised last night there is nothing in the record to support such a significant change in our code. I can't really imagine developers building a one car garage on MI, but they can now. I suppose it frees up more impervious surface and GFA for the house.</p> <p data-bbox="584 1018 2909 1145">There were over 50 different motions last night, and probably 30 substantive changes, many submitted to Evan so late they were not even disclosed to anyone or were raised for the first time at the final meeting. As Cairns noted this was very unfair to the citizens who for 8 months had provided input to reach what the PC thought was a draft that addressed their comments, but then was substantively changed during a marathon 5 hour session that on the fly changed many of the provisions, with almost all of the changes increasing the size of the house or decreasing softscape requirements. I think this is going to call into question the overall process for the council since there was no opportunity for citizen input on many of this significant changes, and the record is silent on public comment.</p> <p data-bbox="584 1189 2909 1316">I am not sure this is the plan Evan thought he would be taking to the council, or the council expected or hoped for. Supposedly the council's first reading is on June 5 but Evan won't have the amended draft out for at least 7 days, and then Weinman and Skone are suppose to review the entire draft for correctness before it is released to the public (85 pages), along with a supplemental list of numerous alternatives for the council to review which I haven't even seen yet. My own notes on the motions and changes are 18 pages single spaced. I plan to send an email to Evan asking him to clarify many of the PC's motions and changes.</p> <p data-bbox="584 1360 2909 1421">Considering the next council meeting will be 2 days after the center roadway closes, and all of us will have at most 1 or 2 days to review the new draft with its numerous changes -- plus Biroli moved and the council adopted a request to re-order the entire draft code so all the internal code references have to be changed -- I am going to ask the council to extend the first reading for at least two weeks.</p> <p data-bbox="584 1465 2909 1526">I don't think this Plan -- 45-47% GFA, three story flat roofed houses, and 48% lot vegetation plus 100% lot coverage by pervious sport courts -- is what the council was looking for (in an election year no less which is probably why Benson Wong attended for the first 1.5 houses but had to leave while rolling his eyes), or what Evan had in mind.</p> <p data-bbox="584 1570 2909 1661">I think the issue, like with the rewrite of the appeals and permitting ordinance, will be for the council to work with Evan directly on new code language after the first reading indicates the council's actual desires on the basic issues like height, GFA limits, and lot coverage. I think the tree ordinance is too confusing and ill-formed to go to the council right now, although Skone's and Weinman's terms end May 31.</p> <p data-bbox="584 1705 2909 1796">There isn't much Evan or any of us can do until the first reading. I will reach out to the different council members to bring them up to speed. Scott and Dan G. were able to fashion a final ordinance on appeals and permitting after the first reading that turned out to be a very good ordinance, and there is no reason that can't be done for the development regulations themselves, since the PC went so far off course, in my humble opinion based upon the numerous meetings I have had with citizens and council members -- including candidates -- during this process.</p>

	Date	Name	Comment
			<p>Daniel Thompson Thompson & Delay Attorneys at Law 506 2nd Ave., Suite 2500 Seattle, WA 98104 Phone: (206) 622-0670 Fax: (206) 622-3965</p> <hr/> <p>From: c.boatsman@comcast.net <c.boatsman@comcast.net> Sent: Wednesday, May 17, 2017 5:21 PM To: Maxim, Evan Subject: Probably too late, but if it makes sense, you decide</p> <p>My comments. I will hand to them during 3 minutes. Thank you. Carolyn</p>
393.	5/19/2017	Carolyn Boatsman	<p>Thank you Evan. I will be interested in perusing the Snohomish County report.</p> <p>I understand Samammish is working with UW Forestry on an developing an Urban Forestry Plan. They are an example of a local city that is pursuing such a plan after adopting their good tree protection ordinance. They realized a more comprehensive approach was needed but they knew they needed to act right away on their regulations. I would not favor putting aside our efforts until we can develop a comprehensive Urban Forestry Plan. We need to continue our efforts, improve our regulation as much as we can, and then, with Council's direction, move ahead on a forestry plan. The regulations could be amended if a forestry plans guides us in that direction.</p> <p>I was most interested in the tree canopy graphics to show what we had lost in recent decades. My understanding of the use of tree canopy monitoring and goals is the same as yours, i.e. it supplements a good tree ordinance. I look forward to continued work on the draft that you have presented.</p> <p>Thanks again, Carly</p> <hr/> <p>From: "Evan Maxim" <evan.maxim@mercergov.org> To: "Mark Coen" <MSCNB@msn.com> Cc: "Dan Thompson" <danielphompson@hotmail.com>, "Dan Grausz" <dangrausz@gmail.com>, "carolyn boatsman" <c.boatsman@comcast.net> Sent: Friday, May 19, 2017 1:29:14 PM Subject: RE: Summary of Planning Commission meeting</p> <p>Mark,</p> <p>Attached is the draft map that I received from King County. The warmer colors represent areas where the canopy coverage has diminished – cooler colors tend to represent increase in coverage.</p> <p>As you might expect, I am familiar with canopy coverage efforts generally in the area - Snohomish County recently released a report (attached) that may be of interest.</p>

Date	Name	Comment
		<p>In my (albeit limited) research, I have received the impression that canopy coverage mapping and urban forestry plans are actually being put in place to supplement tree retention requirements associated with development. I am not aware of jurisdictions that have repealed their tree retention standards entirely and simply used a urban forestry plan / canopy coverage approach instead.</p> <p>Regards,</p> <p>Evan Maxim Planning Manager City of Mercer Island Development Services 9611 SE 36th Street, Mercer island, WA 98040 p: 206.275.7732 f: 206.275.7726</p> <p>From: Mark Coen [mailto:MSCNB@msn.com] Sent: Friday, May 19, 2017 8:39 AM To: Evan Maxim <evan.maxim@mercergov.org> Cc: Dan Thompson <danielphompson@hotmail.com>; Grausz, Dan <dangrausz@gmail.com>; carolyn boatsman <c.boatsman@comcast.net> Subject: Re: Summary of Planning Commission meeting</p> <p>Hi Evan, Just wanted to follow up - at the planning commission meeting two weeks ago you raised the issue of GIS Mapping in response to citizen concern and the PC was for you including it on their docket. Can you let me know when that will appear, or did I miss it? I would be more than happy to provide you with a direction and reports from other cities that will pave the way.</p> <p>As I stated on Wed, many cities are increasingly using canopy coverage over other methods for tree retention. I am opposed to the current tree ordinance being approved without a more comprehensive approach. It is certainly better than prior attempts but when even two PC members (one on the tree sub-committee) are lukewarm at best about this code, I think we're in trouble. We need to get this right.</p> <p>Thanks,</p> <p>Mark</p> <hr/> <p>From: Carolyn Boatsman <c.boatsman@comcast.net> Sent: Thursday, May 18, 2017 6:08 PM To: Dan Grausz Cc: Dan Thompson; Mark Coen; Evan Maxim Subject: Re: Summary of Planning Commission meeting</p> <p>Thank you for comments Lynn and to the Dans for bringing us up to speed after the meeting last night. On we go to the Council. It ain't over til it's over, right? Carolyn</p> <p>On May 18, 2017, at 11:44 AM, Dan Grausz <Dan.Grausz@mercergov.org> wrote: It was interesting. I think that one of Lucia's amendments reordering all of 19.02 may end up by itself bumping the timing on this as that is a much more substantial rewrite for staff as it changes all of the cross references throughout Title 19.</p>

Date	Name	Comment
		<p>My recollection on the "sports court" provision was that it was limited to 1,200 feet of pervious recreational space that must be at ground level but otherwise, as Dan stated, it was on top of the 40% structure and the 20% of 60% (12%) hardscape. Lucia did get one good change into the 40% in that it now covers all driving surfaces (which would mean parking strips) and not just driveways.</p> <p>In reflecting on last night, the big issues that I can see raising with the Council are:</p> <ol style="list-style-type: none"> 1. Height 2. Trees 3. Extra FAR for ADU and ADA space. Suzanne made the ADU (but not ADA) 5% exception inapplicable if the combined floor area exceeds 5,000 sq. feet which is a start. Maybe lowering that could make sense. In either event, this provision needs to be amended to put something on the title as is being done for the single story homes exception or the ADU and ADA features will be included on Day 1 and potentially removed or redone on Day 2. <p>Dan Grausz Mercer Island City Councilmember</p> <p>NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to Chapter 42.56 RCW, regardless of any claim of confidentiality or privilege asserted by an external party.</p> <hr/> <p>From: Dan Thompson <danielpthompson@hotmail.com> Sent: Thursday, May 18, 2017 11:10 AM To: c.boatsman@comcast.net; Mark Coen Cc: Evan Maxim; Dan Grausz Subject: Summary of Planning Commission meeting</p> <p>Hi Carolyn, thanks for your comments. I hope your husband is doing better. I am copying Evan since he will be taking this rewrite before the council for the first reading.</p> <p>One amendment you might be interested in was Richard Weinman's motion -- which was adopted -- to adjust the landscaping requirements to 80% softscape (up from 75%) and 20% hardscape (down from 25%) with a complete exemption for sport courts or similar pervious sporting surfaces. 100% of the lot can now be covered in pervious sport court. I kid you not. Zero required vegetation.</p> <p>Another interesting amendment -- on the fly -- was to reduce the parking requirements for every house on MI, from 2 covered spots to one. In the past it was my understanding the smaller lot neighborhoods like First Hill wanted off-street parking requirements so cars didn't park in the street and force pedestrians into the road. Since this was first raised last night there is nothing in the record to support such a significant change in our code. I can't really imagine developers building a one car garage on MI, but they can now. I suppose it frees up more impervious surface and GFA for the house.</p> <p>There were over 50 different motions last night, and probably 30 substantive changes, many submitted to Evan so late they were not even disclosed to anyone or were raised for the first time at the final meeting. As Cairns noted this was very unfair to the citizens who for 8 months had provided input to reach what the PC thought was a draft that addressed their comments, but then was substantively changed during a marathon 5 hour session that on the fly changed many of the provisions, with almost all of the changes increasing the size of the house or decreasing softscape requirements. I think this is going to call into question the overall process for the council since there was no opportunity for citizen input on many of this significant changes, and the record is silent on public comment.</p> <p>I am not sure this is the plan Evan thought he would be taking to the council, or the council expected or hoped for. Supposedly the council's first reading is on June 5 but Evan won't have the amended draft out for at least 7 days, and then Weinman and Skone are suppose to review the entire draft for correctness before it is released to the public (85 pages), along with a supplemental list of numerous alternatives for the council to review which I haven't even seen yet. My own notes on the motions and changes are 18 pages single spaced. I plan to send an email to Evan asking him to clarify many of the PC's motions and changes.</p>

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DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605

TO: Planning Commission

FROM: Evan Maxim, Planning Manager

DATE: October 19, 2016

RE: ZTR16-004 - Residential Development Standards – Scope of Work

On August 1, 2016, the City Council approved the scope of work for the Residential Development Standards code amendment. The Planning Commission reviewed an initial scope of work for the proposed amendments on July 20, 2016; following City Council review, additional areas of focus were created (identified below).

The City will hold a community kick-off meeting on October 26, 2016, which is intended in part to solicit additional input on the areas of focus and scope of work. Following the kick-off meeting, staff will consult with the Planning Commission to determine if modifications to the scope of work is needed. If modifications are an expansion of the scope of work, staff will also consult with the City Council.

Scope of Work

The upcoming work on single-family residential development standards is being driven by a concern shared by many residents: *the rapidly changing character of Mercer Island's single-family neighborhoods.*

These changes to single-family neighborhoods fall into two categories: 1) impacts related to new subdivisions; and, 2) impacts resulting from new single family construction (tear down / replacement and new construction on existing vacant lots). The following briefly describes the policy issues within each of the two categories.

1. New subdivisions: Creation of new lots that are oftentimes smaller than the pre-existing neighborhood pattern is causing concern in some neighborhoods related to overcrowding and an undesirable change to neighborhood character. Permit data indicates that between January 2010 and December 2015, approximately 11% of new homes permitted (24 out of 217) were located on lots that resulted from subdivision.
2. New single family homes: The trend of building new homes that are relatively larger than existing homes in the neighborhood, and that are often sited without regard to the natural features of the lot and to the pre-existing neighborhood development patterns, is perceived by some as negatively changing the character of Mercer Island. Approximately 89% of new homes permitted between January 2010 and December 2015 were built on existing vacant lots (13%) or

were the result of a tear down and replacement home (76%). The median square footage of new homes permitted since 2010 is 4,675 square feet. These new homes are nearly 50% larger than the 1960's and 1970's homes they are now replacing.

Based upon the above, the Planning Commission and City Council will review the following areas of focus:

1. Building height
2. Gross floor area
3. Lot coverage (impervious surface)
4. Minimum setbacks
5. Tree retention
6. Building pads
7. Minimum lot width and depth
8. The definition of a single-family residence as related to very large homes (e.g., is a 15,000 square foot house with 12 bedrooms, 12 bathrooms and 3 kitchens a single-family home or something else?)
9. Lot consolidation / Maximum lot area (impact of creating larger lots resulting in larger homes that is different from the existing neighborhood pattern)
10. Construction related impacts (hours of operation, parking, length of construction activity, etc.)
11. Deviations (process and criteria)
12. Large residential accessory structures and uses (e.g., 30-foot-high gazebos, 12-car garages, etc.)
13. Enforcement Tools including penalties
14. Building Permit Process: Public Notice, Public Input and Right to Appeal
15. Fence Height Deviations
16. Time Limit on Validity of Building Permits
17. Short Plats - Ensuring that short plat process is not circumvented by, for example, applying for a building permit for one part of a lot with the intention of short platting the property after that permit is granted.



DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605



TO: City Council
FROM: Evan Maxim, Planning Manager
DATE: June 5, 2017
RE: ZTR16-004 - Residential Development Standards – Recommendation Summary

Summary

This memo is intended to summarize the Planning Commission recommendations regarding the amendments to the residential development standards. The first section contains “significant amendments” to the residential development standards, while the second section provides a simple list of less significant amendments.

Section 1: Proposed Significant Amendments:

Each significant amendment summary is divided into two parts: the proposed amendment, and the rationale for the change as currently understood by staff.

Gross floor area

1. Amendments:
 - a. Reduce the allowed gross floor area from 45% to 40%.
 - b. Allow for an additional 5% of gross floor area for accessory dwelling units and accessible single family dwellings on the first floor.
 - c. Limit (“cap”) the maximum gross floor area based upon the zoning designation.
 - d. Regulate covered decks (not uncovered decks).
 - e. Regulate rooms with high ceiling as 150% or 200% of the rooms’ gross floor area.
 - f. Modify the basement exclusion to exclude GFA below the existing or finished grade, whichever is less.
2. Rationale:
 - a. Generally reduce the size and bulk of new single family homes. Balance the goal of reducing homes size and bulk with the goals of providing accessory dwelling units and accessible homes.

- b. More closely tie the size of the proposed house to the zoning designation. Very large homes are not well suited for neighborhoods that are designed for smaller lots.
- c. Ensure that the gross floor area standard more closely regulates the apparent bulk of the house.

Lot coverage

- 3. Amendments:
 - a. Replace the current lot coverage / impervious surface limits with a standard that requires 60% of the net lot area to be landscaped.
 - b. A minimum of 80% of the landscaped area should be improved with “softscape” such as plants, trees, garden areas, etc. The remaining area may be used for “hardscape” such as decks, walkways, etc.
 - c. Create an allowance for a pervious sports court or similar recreational improvement of up to 1,200 square feet.
- 4. Rationale:
 - a. The regulation more closely aligns with the desired effect for new single family dwelling units (i.e. encouraging the design and installation of landscaping).
 - b. Replaces the term “impervious surface”, which is closely tied to the drainage functionality rather than the desired outcome. The terms “softscape” and “hardscape” are more closely aligned with the desired outcome of preserving neighborhood character.
 - c. Allows for single story homes to maximize gross floor area and comply with the new standard.

Building height

- 5. Amendments:
 - a. Limit the maximum façade height on the downhill side to 30 feet (reduced from 35 feet).
 - b. Measure the downhill façade height from finished or existing grade, whichever is lower.
- 6. Rationale:
 - a. Reduces the bulk of the building following construction and recognizes that the finished grade may be lowered during construction, thereby increasing the appearance of the building bulk.

Parking

- 7. Amendment:
 - a. Reduce the number of required parking stalls for new homes on lots from 3 to 2 parking stalls. Only one of the parking stalls would need to be in a garage.
- 8. Rationale:

- a. A typical garage parking stall will require a minimum of 200 square feet of area. The garage area is part of the gross floor area of the home, which reduces the amount of living space accordingly.

Variable side yard setbacks

9. Amendments:

- a. Lots with a width of greater than 90 feet require a cumulative side yard depth of 17% of the lot width. Lots with a width of 90 feet or less require a cumulative side yard depth of 15 feet.
- b. For lots with an area of more than 6,000 square feet, minimum side yard depths should be increased by 150% (an increase from 5 feet to 7.5 feet) where they adjoin single family dwellings with a height of 15 feet (or 18 feet for gable-ended homes).
- c. For lots with an area of more than 6,000 square feet, side yard depths should be increased by 200% (an increase from 5 feet to 10 feet) where they adjoin single family dwellings with a height of 25 feet.

10. Rationale:

- a. For wider lots, the increased setback is intended to provide for additional space between homes. The bulk of the wider home would be balanced by the increased setback width.
- b. Variable minimum side yard depths were preferred over the daylight plane approach.
- c. Very small lots were already difficult to design a house for, and should not be subject to variable minimum side yard depths.
- d. The variable minimum side yard depth reduced the “looming” effect of a very tall new home next to a relatively shorter home.

Tree retention

11. Amendment:

- a. Exempt hazardous and undesirable trees from tree permitting and retention requirements.
- b. Require a tree permit for removal of trees greater than 24” in diameter.
- c. Require tree retention for new single family dwelling construction, additions of more than 500 sqft, and short and long subdivisions.
- d. Provide an exemption from tree retention for single family construction or additions on very small lots.
- e. Tree retention is 30% of the trees on the site with a diameter greater than 10” + reasonable best efforts for trees outside the limits of clearing for the proposed work
- f. Create an incentive to retain priority trees
- g. Create an option to require retention of exceptional trees

- h. Tree replacement is required for trees removed associated with new construction, additions, and short and long subdivisions. No tree replacement is required otherwise.
- i. Allow for a fee-in-lieu of tree replacement in some circumstances.
- j. Establish minimum tree protection standards.

12. Rationale:

- a. Focus the regulations on trees that are most important and valuable to the community (the large, healthy trees that have a reasonable chance of long term viability).
- b. The tree permit is necessary to ensure compliance with tree retention, protection, and replacement requirements.
- c. Authorize the city to require the re-design of some new single family homes and subdivisions to ensure retention of exceptional trees.
- d. Establish a clear standard for retention and protection. Provide appropriate flexibility from the standard based upon site specific analysis.

Large lots

13. Amendments:

- a. Require new single family homes on lots that are large enough to subdivide to either: 1) subdivide, 2) design the layout to comply with short subdivision requirements, or 3) record a covenant preventing additional subdivision for some 5 years.

14. Rationale:

- a. Prevent the siting of a single family dwelling prior short subdivision application that would result in non-compliance with the design standards for subdivision.

Construction permits

15. Amendments:

- a. Limit construction hours to M-F: 7AM to 7PM; Sat: 9AM to 6PM; Sundays and Holidays – No Construction
- b. Limit construction permit renewals to 1 year following a single 30-day extension. Building permits would be “valid” for a maximum of 3 years.
- c. Require construction management plans and schedules for large projects and all permit renewals.

16. Rationale:

- a. Reduce the likelihood of extended construction timelines by requiring proactive scheduling and management.
- b. Prohibit “never-ending” permits.
- c. Revise construction hours to end at an earlier time.

Deviations and variances

17. Amendments:

- a. Eliminate fence height and impervious deviations.

- b. Limit fence height to 42 inches in front yards, except along portions of Island Crest Way and SE 40th Street.
- c. Clarify variance and deviation criteria and make criteria more restrictive (i.e. make it harder to get a variance or deviation).

18. Rationale:

- a. Decrease the amount of flexibility provided through deviations or variances.
- b. Increase the predictability of deviation and variance approvals.

Accessory Buildings and Structures

19. Amendments:

- a. Limit the gross floor area of accessory buildings to 25% of the allowed gross floor area on the site.
- b. Limit the height of accessory buildings and structures to 17 feet.

20. Rationale:

- c. Decrease the size and bulk of accessory buildings and structures.
- d. Ensure that the single family dwelling is the primary structure.

Section 2: Proposed Less Significant Amendments:

The following summary of less significant amendments is generally grouped by the chapter the proposed amendments are located within.

21. Chapter 19.01 MICC:
 - a. Update the provisions related to legally established non-conformances (e.g. “grandfathered” uses or improvements) for consistency with proposed amendments.
 - b. Broadening provisions related to non-conforming decks to apply to all zoning designations (instead of limiting it to the R-8.4 zoning designation).
 - c. Re-locating variance and deviation procedures to Chapter 19.15 MICC.
22. Chapter 19.02 MICC:
 - a. Adding purpose and applicability sections to this chapter for clarification and to assist in applying the chapter to development review.
 - b. Amendments to improve readability and clarity of existing standards.
 - c. Re-locating variance and deviation criteria and procedures to Chapter 19.15 MICC.
 - d. Clarifying that new buildings shall be located within a designated building pad.
 - e. Amending and clarifying the rock and retaining wall regulations to limit re-grading of cut and fill slopes.
23. Chapter 19.07 MICC:
 - a. Updating references to variance and deviation criteria and procedures, to refer to Chapter 19.15 MICC.
24. Chapter 19.08 MICC:
 - a. Clarify requirements on preliminary subdivisions to identify the proposed building pad location.
 - b. Re-locating procedural requirements for short subdivisions and lot line revisions to Chapter 19.15 MICC
 - c. Revising requirements for lot line revisions to comply with RCW 58.17.
 - d. Require subdivisions to comply with preferred development practices where feasible.
25. Chapter 19.09 MICC:
 - a. Require new development proposals (e.g. subdivisions, building permit applications, other applications) to designate a building pad.
 - b. Clarify the building pad design requirements.
 - c. Clarifying the language related to preferred development practices.
26. Chapter 19.15 MICC:
 - a. Clarifying that the applicant for a development proposal has the burden of demonstrating that the proposal complies with all applicable regulations and decision criteria.
 - b. Consolidating procedural and approval criteria into Chapter 19.15, related to deviations, variances, and subdivisions from other chapters.
 - c. Clarifying language related to the expiration of land use approvals.

- d. Clarifying the code interpretation process and providing criteria for consideration by the code official in issuing a code interpretation.



DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040
(206) 275-7605



TO: City Council
FROM: Evan Maxim, Planning Manager
DATE: June 5, 2017
RE: ZTR16-004 - Residential Development Standards – Staff Recommendation

Background

On May 17, 2017, the Planning Commission recommended that the City Council adopt proposed amendments to the Residential Development Standards. The proposed amendments to the Residential Development Standards are intended to address a scope of work generated by the City Council in August of 2016.

Following the Planning Commission’s recommendation, staff has reviewed the Planning Commission’s recommendation to determine if the staff would recommend that the Council consider alternative amendments. During the course of this review, the staff also received comments from Councilmember Grausz, Dan Thompson, and Carolyn Boatsman between May 18 and May 31; these comments were also considered in preparation of this memorandum.

Based upon an evaluation of the draft regulations, the staff has prepared a table of recommended substantive amendments that are intended to capture the Planning Commission’s recommended amendment, the proposed staff alternative amendment, and the basis for the staff recommendation.

Staff is also continuing to evaluate non-substantive amendments to the proposed regulations, including those raised by Councilmember Grausz and others, which are not addressed by this memorandum.

Draft	Planning Commission Recommendation	Staff Alternative	Staff Rationale
<p>Page 19, Section F(3) – Lot Coverage</p> <p>(Hardscape & sports court allowance)</p>	<p>The proposed code allows up to 20% of the landscaping area provided on the site may be used for hardscape (e.g. decks, patios, walkways, etc). In addition to the hardscape allowance, up to 1,200 square feet of the landscaping may be used for a pervious recreational improvement (e.g. a pervious sports court or similar recreational improvement).</p>	<p>Amend the code to allow up to 10% of the landscaping to be used as hardscape.</p> <p>Eliminate the sports court exception to hardscape limitations.</p>	<p>The scope of work provided by the City Council required review of the lot coverage standard to address concerns about the relative size of new homes compared to existing house stock.</p> <p>Generally, the current lot coverage regulations limit impervious surface in a manner similar to the Planning Commission’s recommended regulations. Special exceptions and allowances have been eliminated, resulting in a more predictable permitting outcome.</p> <p>However, the proposed allowance for 20% hardscape and sports court areas will result in an increase in overall hardscape on the site (generally in excess of the current allowances). Consequently, this amendment appears inconsistent with the Council’s scope of work.</p>
<p>Pages 45, 47-48, and 87 – Tree Permit</p> <p>(Tree permit and retention thresholds)</p>	<p>The proposed code requires a permit to remove trees with a diameter of 24 inches or greater.</p> <p>Retention of trees during development is focused on</p>	<p>Amend the code such that the size threshold requiring a tree removal permit is the same diameter as the trees subject to retention. For example, trees over 10 inches in diameter require a permit and are subject</p>	<p>The tree removal permit is the main administrative tool used by the City to ensure compliance with tree retention requirements of the tree code.</p> <p>If the threshold for tree permits is not the same as the threshold for retention, the City cannot ensure</p>

	retaining trees with a diameter of 10 inches or greater.	to retention if associated with development.	compliance with the tree code during development.
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CITY COUNCIL PLANNING SCHEDULE

All meetings are held in the City Hall Council Chambers unless otherwise noted.
 Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm.
 Items listed for each meeting are not in any particular order.

JUNE 5 – 5:00 PM		
Item Type	Topic/Presenter	Time
<i>Executive Session #1 (5:00-5:30 pm)</i>	Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes	30
<i>Executive Session #2 (5:30-6:00 pm)</i>	Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes	30
<i>Study Session (6:00-7:00 pm)</i>	CenturyLink Cable Franchise – K. Sand	30
<i>Consent Calendar (7:00 pm)</i>	Arts Council 2016 Annual Report and 2017 Work Plan – K. Fulginiti	--
<i>Consent Calendar</i>	NPDES Stormwater Code Update (2 nd Reading & Adoption) – P. Yamashita	30
<i>Regular Business</i>	I-90 Loss of Mobility Status Report – J. Underwood	30
<i>Regular Business</i>	CenturyLink Cable Franchise (1 st Reading) – K. Sand	30
<i>Regular Business</i>	Planning Commission's Recommendation for Residential Development Standards Code Amendments (1 st Reading) – E. Maxim	90
<i>Regular Business</i>	Island Crest Park North Outfield Project – B. Fletcher	30

JUNE 12 – 6:00-8:00 PM (SPECIAL MEETING)		
Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	Public Hearing on Residential Development Standards Code Amendments – E. Maxim	120

JUNE 19 – 5:00 PM		
Item Type	Topic/Presenter	Time
<i>Study Session (5:00-7:00 pm)</i>	Residential Development Standards Code Amendments - E. Maxim	120
<i>Consent Calendar (7:00 pm)</i>	City Council Rules of Procedure Amendments Adoption – K. Taylor	--
<i>Consent Calendar</i>	2017 Arterial and Residential Street Overlays Bid Award – C. Morris	--
<i>Consent Calendar</i>	Adoption of the 6 Year Transportation Improvement Program – P. Yamashita	--
<i>Public Hearing</i>	Public Hearing on Freeman Avenue Street Vacation – J. Kintner	30
<i>Regular Business</i>	I-90 Loss of Mobility Status Report – J. Underwood	30
<i>Regular Business</i>	CenturyLink Cable Franchise (2 nd Reading & Adoption) – K. Sand	30
<i>Regular Business</i>	Refunding of 2009B LTGO Bonds (\$6.28M) – C. Corder	30

JULY 3		
	CANCELED	

JULY 17		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	Essential Public Facilities Code Amendment (1 st Reading) — S. Greenberg	60
<i>Regular Business</i>	Transportation Concurrency Code Amendment (1 st Reading) –S. Greenberg	60
<i>Regular Business</i>	Residential Development Standards Code Amendments (2 nd Reading & Adoption) – E. Maxim	60

JULY 24 – 6:00 PM (SPECIAL MEETING)		
Item Type	Topic/Presenter	Time
<i>Consent Calendar</i>	Interlocal Agreement with MISD for Counseling Services	--
<i>Regular Business</i>	Essential Public Facilities Code Amendment (2 nd Reading & Adoption) — S. Greenberg	30
<i>Regular Business</i>	Transportation Concurrency Code Amendment (2 nd Reading & Adoption) – S. Greenberg	30
<i>Regular Business</i>	Emergency Response Billing Recovery – S. Heitman	30
<i>Regular Business</i>	Council Meeting Day Change Ordinance – A. Spietz	15
<i>Regular Business</i>	Review & Finalize Public Engagement Plan on City’s Operating & Capital Funding Challenges – C. Corder	45

AUGUST 7		
Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	<i>(if needed)</i> Public Hearing for Extend Moratorium Regarding Transportation Concurrency and Siting of Essential Public Facilities – K. Sand	60
<i>Regular Business</i>	Interlocal Agreement for Fire, Rescue and Emergency Medical Services – S. Heitman	30
<i>Regular Business</i>	Emergency Response Billing Recovery – S. Heitman	30
<i>Regular Business</i>	Metro Alternative Services Report – K. Taylor	30

AUGUST 21		
	<i>Potentially Canceled</i>	

STARTING SEPTEMBER 2017 COUNCIL MEETINGS WILL BE HELD THE FIRST AND THIRD TUESDAYS OF EACH MONTH

SEPTEMBER 5		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2016 General Fund & REET Year-End Surplus Disposition – C. Corder	30
<i>Regular Business</i>	Second Quarter 2017 Financial Status Report & Budget Adjustments – C. Corder	30

SEPTEMBER 19		
Item Type	Topic/Presenter	Time

OCTOBER 3		
Item Type	Topic/Presenter	Time

OCTOBER 17		
Item Type	Topic/Presenter	Time

NOVEMBER 7		
Item Type	Topic/Presenter	Time

NOVEMBER 21		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2017-2018 Mid-Biennial Budget Review (Third Quarter 2017 Financial Status Report & Budget Adjustments, 2017 Utility Rates, and 2018 Property Tax Levy) – C. Corder	60

DECEMBER 5		
Item Type	Topic/Presenter	Time

DECEMBER 19		
Item Type	Topic/Presenter	Time
	Potentially Canceled	

OTHER ITEMS TO BE SCHEDULED:

- Code Enforcement Ordinance Update – A. Van Gorp
- Light Rail Station Design Oversight – K. Taylor
- Mercer Island Center for the Arts (MICA) Lease – K. Sand
- PSE Electric Franchise – K. Sand
- Zayo Telecom Franchise – K. Sand
- Six Year Sustainability Plan – R. Freeman
- KC Mutual Aid ILA – S. Heitman

COUNCILMEMBER ABSENCES:

- Bassett: July 24
- Bertlin: July 17 & July 24



Memorandum

Mayor Bruce Bassett

TO: Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, David Wisenteiner, Benson Wong, and Deputy Mayor Debbie Bertlin

FROM: Mayor Bruce Bassett

DATE: May 30, 2017

RE: 2017 Boards and Commissions Appointments

Attached are my appointments to the City's Boards and Commissions for 2017, submitted to you for confirmation. These appointments fill the vacancies and terms expiring on May 31, 2017.

The good news is we continue to have a large pool of interested and talented citizens anxious to serve our community. The bad news is we cannot appoint everyone. Accordingly, some will be disappointed. However, we should urge all to reapply in the future, as we need a steady flow of new talent each year.

I recommend this strong group of talented and diverse citizens to you for confirmation.

Copies of the applications are on file in the City Clerk's Office.

2017 Boards and Commissions Appointments

BOARD OR COMMISSION	POSITION	CURRENT MEMBER	MAYOR APPOINTMENT	NEW TERM
Arts Council	7	Erin Vivion	Erin Vivion	2021
	8	An Tootill	An Tootill	2021
	11	Karen Kaser	Xi Tian	2018
Community Services Board (Adult)	2	VACANT	Shabai Li	2018
	3	VACANT	Meg Kerrigan	2018
	9	VACANT	Martina Kozar	2020
	10	Susan Morrisson *	James Schwab	2020
	11	Teri Jones	Teri Jones	2020
	12	Mary Lloyd *	Harry Dingwall	2020
Community Services Board (Youth)	9th	New 9th Grade Member	Renee White	2019
	9th	New 9th Grade Member	Evan Dickstein	2019
	9th	New 9th Grade Member	Liliana Szafer	2019
	11th	Christopher Elliott (2019)	Christopher Elliott	2019
	11th	Alex White (2019)	Alex White	2019
	10th	New 10th Grade Member	Sarah Wang	2019
Design Commission	5	Lara Sanderson	Suzanne Zahr	2021
	6	Richard Erwin	Richard Erwin	2021
Open Space Trust	5	Marie Bender	Marie Bender	2021
	7	Geraldine Poor	Geraldine Poor	2021
Planning Commission	5	Suzanne Skone	Carolyn Boatsman	2021
	7	Richard Weinman	Ted Weinberg	2018
Utility Board	3	Tim O'Connell	Tim O'Connell	2021
	4	Susan Kaltenbach	Mary Grady	2021
	5	Stephen Milton	Stephen Milton	2021