

**CITY OF MERCER ISLAND  
RESOLUTION NO. 1385**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO DEVELOPMENT AGREEMENT PURSUANT TO RCW 36.70B.170 BETWEEN THE CITY OF MERCER ISLAND, THE MERCER ISLAND SCHOOL DISTRICT AND THE BOYS AND GIRLS CLUB COVERING CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE MERCER ISLAND HIGH SCHOOL SITE AND SETTING FORTH THE REQUIRED PARKING ON THE SITE FOR THE BOYS AND GIRLS CLUB PEAK PROJECT.**

**WHEREAS**, RCW 36.70B.170 authorizes the City to enter into a development agreement with property owners to provide for the development, use, and mitigation of a specific piece of property.

**WHEREAS**, RCW 36.70B.200 requires the City Council to conduct a public hearing prior to approving a developer agreement and to adopt a resolution authorizing the City Manager to enter into a developer agreement.

**WHEREAS**, the Mercer Island School District (District) is the owner of certain real property commonly known as the Mercer Island High School site and located generally at 4160 86<sup>th</sup> Ave. SE within the City of Mercer Island, King County, Washington (Property); and

**WHEREAS**, the District desires to enter into an agreement with the Boys and Girls Club (Club) whereby the Club will construct and install upon the Property a multi-purpose facility to meet the youth development, sports and recreation needs of Mercer Island youth to be operated by the Boys and Girls Club (the "PEAK Project"); and

**WHEREAS**, the City and the District entered into a Development Agreement, as approved by the City Council on June 5, 2006 pursuant to Resolution No. 1374 (Development Agreement), covering impervious surfaces development regulations consistent with RCW 36.70B.170 through 36.70B.210; and

**WHEREAS**, the Club was not a party to the Development Agreement but is a required party to this Amendment because of the commitments contained in this Amendment regarding the development and operation of the PEAK Project.

**WHEREAS**, the parties desire to enter into this Amendment in order to set forth the parking development standards consistent with RCW 36.70B.170 through 36.70B.210; and

**WHEREAS**, the Mercer Island City Code (MICC) 19.02.010(C)(1)(b) provides that public facilities located in residential zones shall provide off street parking at a minimum ratio of one parking space for each 200 square feet of gross floor area and City staff have classified the PEAK Project as a "public facility" under MICC 19.02.010(C)(1).

**WHEREAS**, the District and Club believe the Club should be considered a private club and further believe the MICC has no clear parking code for a private clubs operated on public land. The District and Club believe the nearest category to the Club is a non-commercial recreational

area designation, and as such, the Code Official should determine the parking necessary for the PEAK Project. The District and Club now concur with the City that the PEAK Project is a “public facility” under MICC 19.02.010(C)(1) and have agreed not to further contest that designation.

**WHEREAS**, the Peak at Mercer Island Transportation Impact Analysis dated November 2006, as amended by Peak Facility Program Information and Parking Demand dated February 8, 2007 prepared by The Transpo Group (“TIA”) concludes that 99 or fewer spaces will be required for the PEAK Project from 7:00 am until 4:00 pm on school days and 247 or fewer spaces will be required at all other times; and

**WHEREAS**, there will be 99 new parking spaces constructed on the Property available for PEAK Project use from 7:00 am until 4:00 pm and 255 parking spaces (comprised of the 99 new parking spaces and 156 shared parking spaces) available from 4:00 pm until 10:00 pm. The TIA concludes that parking demand in excess of 99 parking spaces will occur only after 4:30 pm during sports season (basketball or volleyball), at times when existing Mercer Island High School shared parking stalls are available for exclusive PEAK use; and

**WHEREAS**, the City finds that the PEAK Project promotes the public health, safety and welfare of the City and the Code Official finds that the parking required by this Amendment is sufficient for the PEAK Project use on the Property; and

**WHEREAS**, the City desires to encourage the timely and orderly development of the Property and avoid unnecessary litigation costs to taxpayers surrounding staff’s interpretation of the MICC; and

**WHEREAS**, the parties desire to make the Amendment to the Development Agreement under the authority granted by the Laws of the State of Washington, RCW 36.70B.170, as amended, regarding the development and use of the Property, in order to facilitate the timely and orderly completion of the PEAK Project; and

**WHEREAS**, the effective date of this Resolution will be delayed and be subject to completion of all necessary SEPA review and all SEPA conditions for the PEAK Project shall be incorporated by reference into this Resolution; and

**WHEREAS**, pursuant to RCW 36.70B.170, the City Council finds that the Development Agreement is consistent with the development regulations adopted under the Growth Management Act;

**WHEREAS**, the City Council finds that the Project will be consistent with various Comprehensive Plan policies including without limitation Land Use Policies 9.4 and 10.2, providing in pertinent part as follows:

Social and recreation clubs, schools, and religious institutions are predominantly located in single-family residential areas of the island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.

**WHEREAS**, under the State Environmental Policy Act, RCW Chapter 43.21C (SEPA), the City will review the environmental impacts of the required parking for the PEAK Project; and

**WHEREAS**, as a condition to the City Council's adoption of this Resolution, the City must determine that the parking set forth in the Amendment will not have a probable significant adverse impact on the environment, and issue a Mitigated Determination of Nonsignificance (MDNS); and

**WHEREAS**, the permitting, design and environmental review of the PEAK Project will require subsequent approval under all applicable City codes, rules and regulations and the State Environmental Policy Act, RCW Chapter 43.21C; and

**WHEREAS**, the Amendment to the Development Agreement is made consistent with RCW 36.70B.170 through 36.70B.210 following a public hearing; and

**WHEREAS**, the City Council held a regular City Council meeting on November 6, 2006 for a first reading of the Amendment and held a public hearing on March 5, 2007 for a second reading of the Amendment; and

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Mayor and City Council of the City of Mercer Island as follows:

**Section 1. Findings of Fact**

The City Council hereby adopts all of the foregoing recitals by reference, as findings of fact and as part of its legislative history in approving the Amendment to the Development Agreement.

**Section 2. Development Agreement**

The City Council hereby authorizes the City Manager to enter into the Amendment to the Development Agreement attached as Exhibit 1 to this Resolution based upon the findings of fact set forth in Section 1 of this Resolution.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS REGULAR MEETING ON THE 5<sup>th</sup> DAY OF MARCH, 2007.

---

R. Bryan Cairns, Mayor

ATTEST:

---

Allison Spietz, City Clerk, CMC