



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

**AB 4138
November 6, 2006
Regular Business**

**FIRST READING OF AMENDMENT TO
DEVELOPMENT AGREEMENT BETWEEN CITY,
SCHOOL DISTRICT AND BOYS AND GIRLS
CLUB REGARDING PEAK PROJECT**

Proposed Council Action:

Conduct First Reading of Amendment to Development Agreement and provide direction to staff for amendments to same.

DEPARTMENT OF

City Manager, (Londi K. Lindell, Glenn Boettcher, Patrick Yamashita)

COUNCIL LIAISON

n/a

EXHIBITS

1. Amendment to Development Agreement with following exhibits:
 - A - Description of the Property
 - B - District Special Events
 - C - Map of approximate location of 99 PEAK parking spaces
 - D - Shared Parking Agreement (to be negotiated)
 - E - SEPA Addendum - approximate location of 35 new parking spaces
2. PEAK Timeline

APPROVED BY CITY MANAGER

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

SUMMARY

Background

The Mercer Island School District (District) is the owner of the Mercer Island High School located at 4160 86th Ave SE, Mercer Island, Washington (Property). The District desires to enter into an agreement with the Boys and Girls Club (Club) allowing the Club to construct a multi-purpose facility on the Property for the development, sports and recreation needs of youth (Project). The permitting, design and environmental review of the Project will require subsequent administrative and commission approval under all applicable City codes, rules and regulations and the State Environmental Policy Act, RCW Chapter 43.21C (SEPA).

The City and the District entered into a Development Agreement, as approved by the City Council on June 5, 2006, covering impervious surfaces development regulations on the Property, consistent with RCW 36.70B.170 through 36.70B.210. The District and Club have requested that the City enter into an amendment to the Development Agreement in order to set forth the parking development standards for the Project. The purpose of this Agenda Bill is for Council to consider the proposed amendment to the Development Agreement.

There is a question regarding how the Club should be classified under the Mercer Island City Code (MICC). 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. 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 required parking for the PEAK use.

At the October 3, 2006 regular City Council meeting, the Council received a staff briefing on various parking issues surrounding the Mercer Island High School, including the following:

- Status of SEPA Addendum. This administrative decision involves staff review and approval of an addendum to insure the School District's compliance with a 1996 SEPA Notice of Decision requiring the District to provide a total of 534 parking spaces (1996 SEPA Decision). The District will be required to add 35 new parking spaces to its existing 499 spaces to meet this requirement. The approximate location of these 35 parking spaces is shown in Exhibit E to the proposed Amendment to the Development Agreement. The City Council has no role in this state statutory administrative decision. During the October 3, 2006 meeting, Councilmember Grausz asked whether or not the District was planning to use the impervious surface authority set forth in the Development Agreement to provide these additional 35 spaces. Councilmember Grausz's conclusion was correct - the District may not use the authority set forth in the Development Agreement because Council's approval of the Development Agreement was solely in connection with the PEAK Project. The District will be required to comply with the existing MICC impervious code requirements in connection with adding these 35 new parking stalls.
- Creation of High School Restricted Parking District. This legislative decision requires the City Council to adopt an Ordinance creating the High School Restricted Parking District. Council will consider this issue as part of the following Agenda Bill 4139.
- Amendment to Development Agreement. This legislative decision requires the City Council to approve an amendment to the Development Agreement. The School District has requested this amendment to set forth the required parking for the Project.
- Conditional Use Permit (CUP) and State Environmental Policy Act (SEPA) Submittals. The City Council was briefed on both the SEPA administrative decision and CUP Planning Commission decision that will be required in order for the PEAK project to proceed. The City Council has no role in either of these administrative or Planning Commission decisions.
- Timeline. Staff briefed the City Council on the timeline to complete the foregoing administrative and legislative decisions and handed out the timeline attached as Exhibit 2 to this Agenda Bill.

Amendment to Development Agreement

The proposed Amendment to the Development Agreement is attached as Exhibit 1 to this Agenda Bill (Amendment) and contains the following significant provisions:

- Definitions. The terms "typical parking use", "high activity events", "PEAK Special Event" and "District special event" have been defined consistent with The Transpo Group, Inc. Parking Study dated September 2006 ("Parking Study"). These definitions are necessary to recognize that different events produce different parking requirements and in order to place an operational limit on the number of high activity and/or special events.
- 99 Parking Spaces. The Club is required to construct 99 parking spaces in the approximate location as shown in Exhibit C to the Amendment. It is the City Engineer's professional opinion that these 99 spaces are sufficient to meet the Project's "typical parking use" of 41 to 92 spaces. The City Engineer's opinion is consistent with the findings set forth in the Parking Study.

- Shared Parking. During “high activity events”, the Club will provide up to 152 parking spaces by entering into a shared parking agreement with the District providing 80 additional shared parking spaces in the adjacent Mercer Island administrative parking lot.
- Contingencies. The City’s consent to the Amendment is subject to satisfaction of the following conditions:
 - (1) Creation of a High School Restricted Parking District (RPD). Council will be considering this as part of the following Agenda Bill 4139. If Council elects not to proceed with creation of a RPD, Council should direct staff to delete this condition from the Amendment prior to second reading of the Amendment. Staff requests that the City Council hold discussion of the specifics of the RPD until this item is before Council.
 - (2) SEPA Addendum. The District must complete the above referenced SEPA Addendum in order to be in compliance with the express terms of the 1996 SEPA Decision requiring the District to provide 534 parking spaces.
 - (3) Maximum Square Footage. The Project cannot exceed the maximum square footage set forth in the Amendment (45,000 total and 27,000 building footprint).
- Restrictions on Operations. The Amendment prohibits high activity events, PEAK Special Events and District Special Events from occurring on the same day and limits the maximum number of such events (PEAK Special Events-2; District Special Events-30; PEAK high activity events-24). The District and Club have committed to implementing a scheduling system and working cooperatively with the City, prior to commencement of PEAK operations in order to satisfy this requirement regarding overlapping events.
- Traffic Management Programs. The Amendment incorporates by reference the Traffic Management Programs filed with the City as part of the 1996 SEPA Decision, the 2006 SEPA Addendum and any future Traffic Management Programs required for the Project (TMPs). The Amendment requires the District and the Club to pay all costs and perform all actions necessary to insure compliance with the TMPs.
- Penalty. In the event the District or Club fails to comply with any material terms or conditions of the Amendment, the City will impose a civil penalty in the amount of \$100 a day for violation of this Agreement. This amount is consistent with MICC 19.15.030 covering code enforcement actions. Council may modify this dollar amount.

Traffic Management Programs

During the October 3, 2006 meeting, certain Council members mentioned a concern that adding new parking spaces at the High School results in increasing the impervious surface on the Property. The context of this concern was the Council’s earlier action directing staff to proceed with an amendment to the Mercer Island Comprehensive Plan covering sustainability. Currently, the District has committed to the following traffic management policies under either the 1996 SEPA Decision or as amended by the 2006 SEPA Addendum:

1996 SEPA Decision TMP

- Increase parking fees to encourages carpool use. In 1996, a survey of surrounding schools suggested fees ranging from \$5 to \$300 per year. Reduce or waive parking fee to carpool use;
- Designate parking spaces for disabled, staff, carpools, visitors and student parking;
- Parking fee and priority allocation should be implemented to promote carpool use;
- Charge parking fees to both student and staff;
- Impose fines for illegal parking in school lots;
- Avoid scheduling events in excess of 1,000 participants if possible and consider shuttling;
- Improve pedestrian and cycle facilities; and
- Improve student drop off and loading zones.

2006 SEPA Addendum TMP

- Require a parking permit for all parking stalls unless carpool of 3 or more students;
- Parking stalls assigned by lottery (exclude students with unpaid tickets, behavior issues, reckless driving record and if students live within 1 mile of school);
- Set parking fee at \$50 per semester (\$100 annually);
- Increase parking ticket fees;
- Encourage carpooling, metro, walking or riding bikes;
- Provide email contact for neighbor complaints;
- Dedicate staff to monitor and ticket violators and purchase golf cart for enforcement;
- Consider increasing existing 20 dedicated carpool stalls for 2006-2007 year;
- Implement scheduling software to coordinate large events with High School, tenants and pool; and
- Revoke parking permit for 3rd parking offense.

City staff is continuing its discussions with the District regarding the above 2006 SEPA Addendum TMP. In 1999, the City approved a CUP for the Northwest Yeshiva High School. This CUP required implementation of a traffic management program to address similar spillover parking issues from students attending the Yeshiva High School. The City has forwarded a copy of the Yeshiva TMP to the District and has requested that the District voluntarily consider some of the following Yeshiva traffic programs:

- **Parking Fee.** Yeshiva School charges \$80-\$100 per month for each parking stall (\$720-\$900 annually). The District currently charges \$100 annually.
- **Operation.** Yeshiva has hired a full time employee solely for parking enforcement and uses the above fees to fund this position. The District uses an existing employee who spends some portion of his work hours performing parking enforcement.
- **Carpool Requirement.** At Yeshiva, all parking is dedicated to carpools due to the limited parking spaces. The District currently restricts 20 of the 534 spaces to dedicated carpool only parking. The City has encouraged the District to consider implementing incentives to increase carpooling among its students.
- **Neighborhood Meetings.** Yeshiva meets annually with residents impacted by the High School use to discuss any concerns that have arisen since the prior annual meeting. The District will provide an email contact to surrounding neighbors. The City has encouraged the District to consider conducting similar neighborhood meetings to understand neighborhood impacts for the District and Club use.

[City Manager's Aside: The City Council has expressed the notion that the neighborhood and broader community have a real interest in changing the "culture" of Mercer Island high school students and their families regarding driving to school. Concerns about spillover parking into adjacent neighborhoods as well as more generalized sensitivity to using carpools and public transit have been voiced.]

Students driving to school is a historical "norm" which has been around for many years and has crossed many high school generations. Trying to legislate immediate change is fraught with potential risks and complications. Some families have organized their commuting and employment behaviors around students driving to school. Others require their kids to drive in order to attend after school activities or jobs. In thinking about it, this is a topic that is ideally suited for a meaningful policy discussion between the elected leaders of the City and School District. There is great room for cooperation, goal-setting, public education and engagement of the students in problem-solving. Rather than trying to impose additional "conditions", the Council and community may be better served to approach the School Board with a desire to jointly engage the community in a broader policy discussion with hopes of voluntarily agreeing to realistic and meaningful strategies for change.]

Conclusion

This is a first reading of the Amendment to the Development Agreement. Although the City Council Rules of Procedure do not require a first and second reading of "agreements", staff is recommending that Council merely conduct first reading this evening and provide direction to staff for any revisions or improvements to the Amendment. This Amendment will return to Council on December 4, 2006 for second reading and possible adoption.

RECOMMENDATION

City Manager

MOVE TO: Conduct first reading of Amendment to Development Agreement and provide direction to staff on Council amendments to Development Agreement; forward to second reading for possible adoption on December 4, 2006.