

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:32:44 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)
The City of Mercer Island utilizes a hybrid working environment. Please see the City's Facility and Program Information page for City Hall and City service hours of operation.

-----Original Message-----

From: Prudy Bair <prudybair@icloud.com>
Sent: Wednesday, November 8, 2023 7:26 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.
Prudence Bair

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:33:20 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
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-----Original Message-----

From: Shang Shang <shangshang1224@gmail.com>
Sent: Wednesday, November 8, 2023 8:03 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.
Shang Shang

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:34:12 PM

Comment received to Council mailbox

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-----Original Message-----

From: Lee <leatricesk@yahoo.com>
Sent: Wednesday, November 8, 2023 8:33 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:34:51 PM

Comment received to Council mailbox

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City Clerk
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-----Original Message-----

From: Michael Magee <mjmagee@comcast.net>
Sent: Wednesday, November 8, 2023 8:35 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum Jewish Community Center Rezone
Date: Thursday, November 9, 2023 12:35:20 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
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From: Moss Patashnik <mossnpeg@icloud.com>
Sent: Wednesday, November 8, 2023 9:23 PM
To: Council <council@mercergov.org>
Subject: Stroum Jewish Community Center Rezone

Dear Mercer Island City Council,

Please place the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with action taken in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its usefulness.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility. Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Moss Patashnik

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:35:49 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
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From: Samuel Ostroff <sam.ostroff@gmail.com>
Sent: Wednesday, November 8, 2023 9:58 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sincerely,
Samuel Ostroff

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Support of SJCC
Date: Thursday, November 9, 2023 12:36:21 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Carin Jacobson <csulman@comcast.net>
Sent: Wednesday, November 8, 2023 10:59 PM
To: Council <council@mercergov.org>
Subject: Support of SJCC

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. For 47 years, the SJCC has been my home away from home and I want this for my children. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sincerely,
Carin Jacobson
2718 60th Ave SE
MI Resident for 47 years

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Jewish Community Center Request
Date: Thursday, November 9, 2023 12:37:23 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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-----Original Message-----

From: Tricia Breen <Breen.Tricia@comcast.net>
Sent: Thursday, November 9, 2023 12:22 AM
To: Council <council@mercergov.org>
Subject: Jewish Community Center Request

Dear Mercer Island City Council,

I am writing to request that you expedite and approve a rezone of the JCC to Office Commercial. Doing so will allow the JCC to complete much needed facility updates without affecting their neighbors or nearby properties. The JCC is a vital community resource for all families of Mercer Island, (not only Jewish). It is an important preschool, recreational and social place where people of all faiths gather. Please consider this request which will make Mercer Island an even better place to live!

Sincerely

Patricia Breen
Richard Fruchter
2246 80th Ave SE
Mercer we Island

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:38:09 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
City of Mercer Island
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-----Original Message-----

From: Lexruben <lexruben@gmail.com>
Sent: Thursday, November 9, 2023 7:30 AM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Alexis Rubenstein
7410 87th pl se
Mercer Island, Wa 98040
Lifelong islander

Sent from my mobile device

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Please approve SJCC Rezone
Date: Thursday, November 9, 2023 12:38:43 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
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From: Pamela Lavitt <plavitt@me.com>
Sent: Thursday, November 9, 2023 7:35 AM
To: Council <council@mercergov.org>
Subject: Please approve SJCC Rezone

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

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Thank you for your support.

Sincerely,
Pamela Lavitt

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: SJCC--request to rezone
Date: Thursday, November 9, 2023 12:39:19 PM

Comment received to Council mailbox

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From: Leigh Anne Kuiken <lkuiken@gmail.com>
Sent: Thursday, November 9, 2023 10:51 AM
To: Council <council@mercergov.org>
Subject: SJCC--request to rezone

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Leigh Anne Kiviat

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 12:44:24 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
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-----Original Message-----

From: Susan Tregerman <suestjcc@gmail.com>
Sent: Thursday, November 9, 2023 12:28 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 1:12:37 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Lois Fuhr <lfuhr@fuhrassoc.com>
Sent: Wednesday, November 8, 2023 7:32 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Lois Fuhr
206.601.4868 (m)
206.260.3147 (f)
www.loisfuhr.com

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum Jewish Community Center
Date: Thursday, November 9, 2023 4:58:03 PM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
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From: Eric Heinberg <orleanean@yahoo.com>
Sent: Thursday, November 9, 2023 12:38 PM
To: Council <council@mercergov.org>
Subject: Stroum Jewish Community Center

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sincerely,

Dr. Eric M. Heinberg, MD

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Thursday, November 9, 2023 4:58:35 PM

Comment received to Council mailbox

Andrea Larson
City Clerk
City of Mercer Island
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-----Original Message-----

From: lolly locke <lollylocke@gmail.com>
Sent: Thursday, November 9, 2023 1:36 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

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Thank you for your support.

Alyson Locke

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Monday, November 13, 2023 9:15:30 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: sooperdoc@aol.com <sooperdoc@aol.com>
Sent: Thursday, November 9, 2023 8:19 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council, I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024. For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use. It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors. For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility. Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island. The time to support the future of the Stroum Jewish Community Center on Mercer Island is now. Thank you for your support.

Dr. Arnold Reich
Mercer Island resident for fifty years

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Monday, November 13, 2023 9:15:56 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Reanne Berkstresser <reanneb15@gmail.com>
Sent: Friday, November 10, 2023 5:44 AM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Reanne Berkstresser

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Monday, November 13, 2023 9:16:40 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Lorin Freedman <lorin.freedman@gmail.com>
Sent: Friday, November 10, 2023 1:47 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I live in Mercer Island (3206 90th Pl SE) with my wife and 2 children. We learned about Mercer Island around the birth of our first child in 2017 and we enrolled him in the Early Childhood School there. We were so impressed with the school and the surrounding community that we moved here last year. The J has been of great importance to us and we believe that its expansion is in the community's interest.

Therefore, I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or

institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Lorin Freedman

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Nov. 15 Planning Commission Meeting/ 2024 Annual Docket/Objection To Staff's Report/Public Comments On Suggested Amendment 18
Date: Monday, November 13, 2023 9:17:14 AM

Comment received to Council mailbox

[Andrea Larson](#)

City Clerk

City of Mercer Island

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From: Dan Thompson <danielpthompson@hotmail.com>
Sent: Friday, November 10, 2023 2:33 PM
To: Alison Van Gorp <alison.vangorp@mercergov.org>
Cc: Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Council <council@mercergov.org>
Subject: Nov. 15 Planning Commission Meeting/ 2024 Annual Docket/Objection To Staff's Report/Public Comments On Suggested Amendment 18

Dear Alison, council and planning commission,

I have read the recently released agenda packet for the Nov. 15 Planning Commission meeting. [TEM-Attachment-001-319c9a30e91a44a1a0d70b70ccc915a2.pdf](#) (usgovcloudapi.net) To say that it is unusual and deficient would be a gross understatement. Please consider these my public comments on Suggested Amendment 18, the rezone of the JCC properties from single family residential to commercial office, as well as my comments from Nov. 9 at the bottom of this email.

If there is one basic error in staff's report it is the report fails to understand amendment 18 is not about *uses*, it is about the ability of a single CUP in the residential zone to obtain much greater *regulatory limits* than the surrounding residential zone or other CUP's. The CUP *already* enjoys a conditional *use*. The only question is whether the conditional use should also enjoy greater regulatory limits than houses in the same residential zone.

1. SUMMARY OF ARGUMENT.

A. This process is not just unusual but deficient. The public has not been advised of the reasons for questioning the planning commission members over conflicts of interest or the appearance of conflicts, public comments received to date are not attached to staff's report, and the commission members themselves are left to decide whether to recuse themselves if there is the appearance of a conflict when recusal needs to be made by a third party with legal expertise. The public is left with the definite impression the city knows something it is not revealing.

B. Staff's report is woefully deficient, and fails to recite the history of this property, and the 30-year history of attempts to obtain preferential regulatory limits beyond those allowed in the CUP and residential zone.

C. A conditional use permit already receives zoning benefits that are not allowed for the houses in the surrounding residential zone, including the non-conforming conditional use, no internal yard setbacks, and increased impervious surface limits for parking.

D. A fundamental concept for non-conforming conditional use permits is the non-conforming use does not also receive preferential regulatory limits above those allowed to conforming uses.

E. Staff's report fails to educate the planning commission on **Administrative Interpretation 22-004** that was just issued last year for this very same property, and outlines all the elements of the comprehensive plan that prevent a CUP from upzoning residentially zoned property or applying for a variance to obtain preferential regulatory limits.

F. The JCC's application to upzone its residential zoned properties to CO is either an illegal spot zone contrary to MICC 19.15.240(C)(4), or it must be available to every other property owner in the SFH residential zone, including other CUP's and conforming uses like single family homes. This amendment effectively eliminates the SFH residential zone on MI. Yet staff's report is silent on this critical issue even though it admits the application is site specific.

2. APPEARANCE OF FAIRNESS DOCTRINE. THE COMMISSIONERS THEMSELVES CANNOT DECIDE IF THEY HAVE A CONFLICT OR APPEARANCE OF A CONFLICT.

The hearing will begin with a voir dire of planning commission members, followed by the opportunity of the public to question members on their answers, although the public has not been provided any basis for this unusual process, or what has triggered it. But even then, staff's report states: **"Commissioners may respond to any challenges and then would need**

to make their own decision as to whether or not to recuse themselves from these proceedings".

How can the commissioners themselves be allowed to make the decision whether they can be fair, or whether they **appear** to be fair? A neutral third party with legal expertise must make that determination because obviously a conflicted planning commission member can't see that, or the appearance of a conflict, themselves. This highly unusual process definitely leaves the public with the impression that the city knows something it is not revealing about the fairness of this hearing.

3. PUBLIC COMMENTS ARE NOT ATTACHED TO STAFF'S REPORT.

No public comments received to date have been attached to staff's report. The report states:

"ATTACHMENTS"

"1. Docket Application filed by the Stroum Jewish Community Center.

"2. Written public comments (forthcoming)."

How can the planning commission make a decision on amendment 18 without having reviewed any public comments until the day of the hearing, and how can it review them all on the day of the meeting? The entire purpose of the planning commission is to determine public sentiment on a proposed action (and the Community Facilities Zone would seem to be a good indication of public support for amendment 18 but staff's report is silent on that too).

Furthermore, how can members of the public prepare to challenge the fairness or appearance of fairness of the planning commission members without having the ability to review public comments before the hearing, or what the city is not telling us?

4 STAFF'S DOCKETING CRITERIA.

Staff's identification of the relevant docketing criteria is woefully deficient, especially when it comes to the relevant elements of the comprehensive plan. Staff's report simply states:

"Docketing Criteria:

"4. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; Relevant goals and policies from the current Comprehensive Plan include:

"GOAL 17: With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change".

"Policy 17.4: 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. The Comprehensive Plan discourages changes to commercial land use designations. However, it also encourages development regulations that support retention of "viable and healthy social, recreational, educational and religious organizations" as an essential component of Mercer Island."

Amendment 18 is about changing SFH residential zoning to CO zoning to obtain regulatory limits not allowed in the residential zone. Retaining viable and healthy social, recreational, educational and religious organizations does not require one CUP to have much greater regulatory limits under CO zoning as the surrounding residential zone or other CUP's.

5. AMENDMENT 18 IS ABOUT CHANGING RESIDENTIAL ZONING TO COMMERCIAL, NOT COMMERCIAL TO RESIDENTIAL ZONING, TO OBTAIN GREATER REGULATORY LIMITS.

Amendment 18 is not about changing **commercial zoning and regulatory limits** to residential zoning, it is about changing **residential zoning and regulatory limits** to commercial. Basically substituting the regulatory limits for a single family house for The Hadley.

Staff's report completely ignores the long history of this property and efforts to increase its regulatory limits, which was fully laid out in the recent litigation over the JCC's applications for variances for this property, which is summarized in Amendment 13, and the litigation over the CFZ. [ITEM-Attachment-001-d231bdea5a3c4588a4bf81c9709f6182.pdf \(usgovcloudapi.net\)](#) pages 7-8. Let's Talk cite: [2024 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments | Let's Talk Mercer Island \(mercergov.org\)](#).

6. ADMINISTRATIVE INTERPRETATION 22-004. A CUP CANNOT APPLY LET ALONE OBTAIN A VARIANCE FROM THE REGULATORY LIMITS IN THE RESIDENTIAL ZONE.

As part of the JCC's application for variances the city hired outside legal counsel to prepare a memo addressing whether a CUP has standing to even apply for a variance in the SFH zone. Based on this memo, Jeff Thomas issued Administrative Interpretation 22-004, which staff's report for amendment 18 completely ignores in its report to the Planning Commission.

AI 22-004 [DSG ADMINISTRATIVE POLICY DETERMINATION \(mercerisland.gov\)](https://www.mercerisland.gov/DocumentCenter/View/1000/DSG-ADMINISTRATIVE-POLICY-DETERMINATION) lays out all the elements of the comprehensive plan that discourage or prevent a CUP from upzoning residential properties in the CUP, or even applying for a variance.

AI 22-004 states:

"(4.) Policy direction provided by the Mercer Island comprehensive plan;

"Analysis: Review of the Comprehensive Plan results in the following findings:

"(1) The Comprehensive Plan envisions Mercer Island as a residential community:

"(a) "Mercer Island prides itself on being a residential community. As such, most of the Island's approximately 6.2 square miles of land area is developed with single family homes." [Land Use Element, Introduction]

"(b) "Single family residential zoning accounts for 88 percent of the Island's land use. There are 3,534 acres zoned for single family residential development. This compares to 77 acres in the Town Center zones, 19 acres for Commercial Office zone, and 103 acres in multi-family zones (Table 2). City Hall is located in a Commercial Office zone, while other key civic buildings such as the Post Office and the Main Fire Station are located in the Town Center and City Hall. Many of the remaining public buildings, schools, recreational facilities and places of religious worship are located in residential or public zones." [Land Use Element, II Existing Conditions and Trends, Areas outside the Town Center]

"(c) "OUTSIDE THE TOWN CENTER (1) The community needs to accommodate two important planning values — maintaining the existing single family residential character of the Island, while at the same time planning for population and housing growth." [Land Use Element, IV. Land Use Issues, Outside the Town Center (1)]

"(2) A primary component of the housing element is the City's desire to protect single-family residential neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the

impact of non-residential uses and help preserve the natural environment. City code provisions were specifically designed to protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character. This includes limiting the size and scope of nonresidential uses to be consistent with existing neighborhood character.

"(a) "Housing Element III. Neighborhood Quality Mercer Island single family neighborhoods pride themselves on their narrow, quiet streets and dense plantings. The City protects these neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. Parks, open spaces and trails also contribute to the neighborhood quality." [Housing Element, III. Neighborhood Quality]

"(b) "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." [Housing Element, III. Neighborhood Quality, Goal 1.1]

"(3) The Comprehensive Plan evidences an intent to retain certain non-residential structures located in residential zones. However, the Comprehensive Plan is silent on whether such structures would be eligible for variances from otherwise applicable numerical standards.

" (a) "GOAL 17: - With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change. 17.4 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." [Land Use Elements, IV Land Use Issues Outside the Town Center]

"(4) The Comprehensive Plan also evidences an intent to preserve existing conditions and to generally permit changes only through amendments to the development code, rather than through granting numerous variances to that development code. At the same Development Code Interpretation 22-004 November 21, 2022 Page 6 of 8 time, there is also recognition that some non-residential structures and uses are compatible with residential zones.

"(a) "GOAL 15: - Mercer Island should remain principally a low density, single family

residential community.

"15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.

"15.2 Residential densities in single family areas will generally continue to occur at three to five 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. ...

"15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged." [Land Use Elements, IV Land Use Issues Outside the Town Center]."

How can the comprehensive plan prohibit a CUP from applying let alone obtaining variances for greater regulatory limits in the single-family residential zone but allow that same CUP to change the zoning from SFH residential to CO? That is just absurd.

7. AMENDMENT 18 IS EITHER AN ILLEGAL SPOT ZONE OR MUST BE AVAILABLE TO EVERY OTHER CUP AND PROPERTY OWNER IN THE RESIDENTIAL SINGLE FAMILY ZONE.

MICC 19.15.240 states:

19.15.240 - Reclassification of property (rezones). [Chapter 19.15 - ADMINISTRATION | City Code | Mercer Island, WA | Municode Library](#)

"C. Criteria. The city council may approve a rezone only if all of the following criteria are met:

"4. The proposed reclassification does not constitute an illegal site-specific spot zone."

Amendment 18 clearly states in its application that it is a site-specific rezone (a new criterion on the application in 2023). Staff's report states amendment 18 is designed to be site specific. And yet staff's report is silent on this critical issue and legal analysis.

More concerning is Amendment 18 will not be site specific. The council cannot grant such an extraordinary rezone to one conditional use permit and not another, and neither can it deny such a rezone to a *conforming* use in the same zone such as a single-family home.

This rezone has never been allowed in the history of Mercer Island and will effectively eliminate the single family zones on Mercer Island and the elements in the comprehensive plan that apply to the single-family zones, because either amendment 18 is an illegal site specific rezone, or the ability to rezone residential single family zoned property to CO will apply to every non-conforming use such as a CUP, and every conforming use such as a single family house.

	<p>2024 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments</p>
<p>Each year the City accepts proposals for potential amendments to the Comprehensive Plan and Unified Land Development Code (Title 19 Mercer Island City Code (MICC)) through a process called the Annual Docket. Members of the public, City boards and commissions, and City</p>	
<p>letstalk.mercergov.org</p>	

Daniel Thompson

Thompson & Delay

Attorneys at Law

80th Avenue Professional Building

2955 80th Ave SE, Suite 202

Mercer Island, WA 98040

Phone: (206) 622-0670

Fax: (206) 622-3965

From: Dan Thompson

Sent: Thursday, November 9, 2023 12:20 PM

To: Alison Van Gorp <alison.vangorp@mercergov.org>

Cc: jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>; planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>; council@mercergov.org <council@mercergov.org>

Subject: Nov. 15 Planning Commission Meeting On 2024 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments/Housekeeping

Dear Alison, this email is to address a few housekeeping issues with the PC's Nov. 15 meeting. I don't think the agenda packet has been issued, but the suggested amendments can be found at [2024 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments | Let's Talk Mercer Island \(mercergov.org\)](#). I plan to submit written comments later on all the suggested amendments.

1 Many of the planning commission members are new and have little institutional knowledge of the 2017 RDS rewrite or past efforts of CUP's to obtain preferential regulatory limits in a SFH zone, let alone land use expertise, such as the community facilities zone or MICA in Mercerdale Park, and the turmoil those issues raised. The PC and council also were not involved in the recent litigation by the JCC to obtain variances as a CUP in a SFH zone so are probably unaware of that litigation and AI 22-004 attached to Matt Goldbach's suggested amendments as exh. 2. I hope commission members are reading the suggested amendments and exhibits already, and have some way of learning of past amendments and the blood and treasure spent on unwise amendments, especially in 2018. I think the CPD's agenda packet needs to recite this history.

2 Matt Goldbach has two suggested amendments and has been allotted 10 minutes to speak on both. However Matt is undergoing heart tests and has asked that I be allowed to speak to the PC in his place, and I have agreed to do that.

3 I have five suggested amendments that appear to be added to the docket for 2024 already, dating from 2020 but in the past reserved until the review of the RDS is undertaken. The irony is I don't think there is space or time on the PC's 2024 docket for any of the suggested amendments that have been filed, even including my discrete amendments, and mine really should be discussed and adopted when the review of the RDS finally comes up, and we know for sure the DOC regulations under HB 1110 which makes my suggested amendments even more important. I think I can address my five suggested amendments in five minutes.

4 I would also like three minutes to address the other suggested amendments. Quite

honestly, the only one I think should be formally added to the 2024 docket and pursued is the city's amendment for a non-conforming temporary use ordinance, although the suggestion is sparse on details, which is vastly different than the Country Club's suggested amendment, as long as the city's suggested amendment incorporates these key elements in any temporary use amendment:

A The non-conforming use is truly temporary. Six months/year or 30 weekends/year is not temporary.

B The temporary use does not exceed the regulatory limits for the zone. Use and regulatory limits are two entirely different things. A variance is required for a temporary exception to the zone's regulatory limits.

C There are restrictions on time of day/night, noise, light, traffic, parking, and so on. The examples given by the CPD for a private temporary use are probably off base because no private citizen goes through the hassle or cost to obtain a temporary use permit for something like a wedding or party at their home. This amendment is about the city's non-conforming temporary use.

D The property setbacks are part of the consideration of the temporary use. For example, a temporary use at the MICEC which has huge setbacks from any other residential property is much different than a temporary use on a residential property with a 5' or 10' setback from the adjacent house.

E The permit is not Type I without prior citizen notice. The absence of notice for a non-conforming temporary use is abusive for the neighbors who must be able to plan.

Thank you.

Daniel Thompson

Thompson & Delay

Attorneys at Law

80th Avenue Professional Building

2955 80th Ave SE, Suite 202

Mercer Island, WA 98040

Phone: (206) 622-0670

Fax: (206) 622-3965

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: SJCC Request to Rezone Large Residential Land Parcels to Commercial Office
Date: Monday, November 13, 2023 9:17:47 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Michele Kohorn <mref1@yahoo.com>
Sent: Friday, November 10, 2023 2:41 PM
To: Council <council@mercergov.org>
Subject: SJCC Request to Rezone Large Residential Land Parcels to Commercial Office

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Sincerely,
Michele Kohorn
SJCC Board Member

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Assistance and Support
Date: Monday, November 13, 2023 9:18:18 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: alyssa boden <alyssasbatmitzvah@yahoo.com>
Sent: Friday, November 10, 2023 2:56 PM
To: Council <council@mercergov.org>
Subject: Assistance and Support

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Tamar Boden
7444 Mercer Terrace Drive
Mercer Island, WA 98040

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Assistance and Support
Date: Monday, November 13, 2023 9:18:44 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: Tamar Boden <tamar_boden@hotmail.com>
Sent: Friday, November 10, 2023 2:58 PM
To: Council <council@mercergov.org>
Subject: Assistance and Support

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

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Thank you for your support.

Tamar Boden
7444 Mercer Terrace Drive
Mercer Island, WA 98040

Sent from my iPhone

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Public comments for Amendment 18
Date: Monday, November 13, 2023 9:19:21 AM
Attachments: [Decl of John Hall.pdf](#)
[Exhibit index and Exhibits in Support of Decl. of John Hall.pdf](#)

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

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From: John Michael Hall <velooce@comcast.net>
Sent: Friday, November 10, 2023 4:21 PM
To: Alison Van Gorp <alison.vangorp@mercergov.org>
Cc: Planning Commission <Planning.Commission@mercergov.org>; Council <council@mercergov.org>; blkship@yahoo.com; John Hall <velooce@comcast.net>
Subject: Public comments for Amendment 18

Dear Alison, please consider these my public comments for the Nov. 15 planning commission meeting on amendment 18, the JCC's suggested amendment to change the zoning of their residential properties to commercial/office, and the attached declaration with exhibits I submitted in support of the city's defense of the appeal the JCC filed over the city's denial of the JCC's application for variances.

I believe the history of this property, and the attempts over the last 40 years of the JCC to obtain greater regulatory limits than allowed in the residential zone, are very important to the discussion and vote on Nov. 15, and my declaration and the exhibits explain the history.

I am also disappointed staff's report to the planning commission was silent on the impact this upzone will have on the surrounding residential neighborhoods, and that is addressed in my attached declaration which I hope will help guide the planning commission's decision and create a complete record for the council and any appeal.

John Hall
9970 S.E. 40th Street
Mercer Island, WA 98040

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BEFORE THE HEARING EXAMINER
FOR THE CITY OF MERCER ISLAND

In the Matter of:

Development Code Interpretation No. 22-004

Hearing Examiner File No.: APL 22-004
(Interpretation No. 22-004)

**DECLARATION OF JOHN HALL,
NEIGHBOR OF THE JEWISH
COMMUNITY CENTER IN SUPPORT
OF MERCER ISLAND'S CODE
INTERPRETATION**

Comes forth John Hall, and states under penalty of perjury of the laws of the State of Washington as follows:

1.1 I am over 18 and competent to testify herein. I make these declarations upon my personal knowledge of the facts. I support the City of Mercer Island's interpretation that a conditional use in a residential neighborhood may not request a variance for regulatory limits. Attached to this declaration is an exhibit index and true and accurate copies of the documents.

1.2 I am a resident of Mercer Island. I have lived on Mercer Island since 1958. My wife and I currently reside at 9970 S.E. 40th St. Mercer Island, WA. We have resided in this house

**DECLARATION OF JOHN HALL, NEIGHBOR OF THE JEWISH
COMMUNITY CENTER IN SUPPORT OF MERCER ISLAND'S
CODE INTERPRETATION - 1**

1 for the last 41 years, during which we raised our 3 children. Our house is adjacent to the
2 southeast property line of the JCC in a community called Mercerwood.

3 1.3 This Declaration is to set forth the JCC's attempts to obtain preferential regulatory
4 limits since at least 1971, the huge increases in intensity of use of its property over the years,
5 and the harm to the neighborhoods.

6 1.4 I have been involved in the JCC's attempts to increase the intensity of use of their
7 property and school, as well as the regulatory limits applicable to their property, including
8 leasing to the French American school, since at least 1980. During this time, the JCC has
9 continually attempted to obtain increased regulatory limits in excess of those regulatory limits
10 applicable to the surrounding neighborhoods. The JCC has known the limit of its footprint
11 and intensity of use since 1967 under Ordinance 142 and its current and past conditional use
12 permits.

13 1.5 The first thing to understand about the JCC is how different it is in membership,
14 traffic, and intensity of use from other private clubs and conditional uses on Mercer Island.
15 Although the JCC refuses to reveal the specific number of members, public reports puts the
16 number at between 6,000 and 10,000 members throughout the region. Attached as Exhibit 1 is
17 the JCC's 2016 Form 990 showing the total number of individuals employed as 472, together
18 with 115 volunteers, with program service revenue of \$8,000,907.94, and salaries and other
19 compensation of \$6,072,824.00. As noted in Exhibit 1, a September 8, 2015, letter from the
20 JCC, states:

21 *"Our 250 year round employees, which grow to 400 seasonally,*
22 *serve more than 15,000 people every year, including 195 children*
23 *for preschool, close to 1000 summer day campers and over 500*
24 *seniors, plus any more members and guests."*

25 **DECLARATION OF JOHN HALL, NEIGHBOR OF THE JEWISH**
26 **COMMUNITY CENTER IN SUPPORT OF MERCER ISLAND'S**
CODE INTERPRETATION - 2

1 Also attached in Exhibit 1 is the 2016 Form 990 for the French American
2 school showing 126 employees and 250 volunteers. The French American school
3 has approximately 435 students in grades PK-8.

4 1.6 By comparison, the other private conditional use permit organizations such as the
5 Beach Club, Shore Club, and other community organizations on Mercer Island have 500 or
6 fewer members and generally 1 to 2 dozen employees depending on peak season.

7 1.7 Attached as Exhibit 2 are the May 20, 1970, Minutes of the Planning Commission
8 regarding the JCC's request for outdoor lighting and outdoor activities. Also attached in
9 Exhibit 2 is a letter dated July 1, 1971, from the City of Mercer Island noting the City Council
10 had voted unanimously to affirm the decision of the Planning Commission to deny appeal of
11 the JCC's conditional approval of plans submitted by the JCC. Also attached is the JCC's
12 June 9, 1971, letter promising there would be no outdoor lighting, no outdoor activities, and a
13 "goal" of 1,000 families. None of those promises were ever kept, see Exhibit 2, page 5.

14 1.8 Attached in Exhibit 3 is a letter from the City of Mercer Island dated May 2, 1985,
15 regarding the city's denial of the JCC's conditional use permit to incorporate adjacent
16 residential properties, and to convert the use of that property from single family residential to
17 a day care facility along with the Planning Commission's Findings of Fact Supporting Denial.
18 Attached in Exhibit 3 is an article from the Mercer Island Reported dated May 7, 1985, noting
19 that the Mercer Island Planning Commission rejected the JCC's request to obtain a
20 conditional use permit allowing it to convert a 2100 square foot residential home into a day
21 care facility for 15 to 20 children and noting complaints from the neighbor due to the noise,
22 traffic, and lack of landscaped screening.

23 1.9 Over the last 10 or so years, the JCC has purchased several additional adjacent
24 residential properties on speculation of a rezone. Over the last decades the JCC had the

25 **DECLARATION OF JOHN HALL, NEIGHBOR OF THE JEWISH**
26 **COMMUNITY CENTER IN SUPPORT OF MERCER ISLAND'S**
 CODE INTERPRETATION - 3

1 opportunity to buy commercially zoned property to the north of its property but only
2 purchased one parcel. Attached in Exhibit 4 are three maps highlighting the purchased
3 properties. Recently the Mercer Island City Council adopted a code amendment that requires
4 a conditional use permit organization to resubmit a new conditional use permit application if
5 seeking to incorporate properties into the CUP MCC 19.06.111(c).

6 2 Attached in Exhibit 5 is a newspaper article from the Mercer Island reporter dated
7 March 26, 2002, noting the city's approval of the JCC's application for a street vacation over
8 the objection of the neighbors on the ground that approving the vacation allows the JCC to
9 add more density, traffic, and congestion, which is exactly what happened after the approval
10 of the street vacation. As noted in the JCC's Street Variation Criteria Response, Paragraph e,
11 the vacated area cannot be used to increase commercial density. This is exactly what
12 happened after the street vacation was granted.

13 2.1 In 2017, the JCC applied for and obtained an amendment to the Comprehensive Plan
14 creating a "Community Facilities Zone." This new zone would apply to conditional use
15 permit holders in the residential zone, and presumably allow them different regulatory limits
16 than under the residential development code that had just undergone a major revision effective
17 October 31, 2017 to stop "McMansions. The CFZ was highly unpopular with the citizens, in
18 large part because the amendment did not include the concurrent implementing development
19 regulations.

20 2.2 Our neighborhood formed a group called Concerned Neighbors for the Protection of
21 the Community and hired an attorney Alex Sidles to appeal the adoption of the CFZ to the
22 Growth Management Hearings Board (GMHB). Another citizen named Mark Coen filed a
23 separate appeal. The primary concern and focus of the Petitioners' appeal was the adoption of
24

1 the CFZ required concurrent adoption of the implementing development regulations so the
2 citizens knew just what the CFZ meant or was.

3 2.3 The GMHB agreed with our appeal, but rather than invalidating the CFZ it remanded
4 it to the City of Mercer Island with instructions to draft and adopt the implementing
5 development regulations. However, when the JCC's draft implementing development
6 regulations were first disclosed at the Planning Commission, they were extreme, to say the
7 least, and unorthodox, including tricks like measuring setbacks not from the JCC's property
8 line but from adjacent properties, including from across the street. This caused a firestorm
9 among the city, and even the other CUPs objected.

10 2.4 Subsequently the Mercer Island City Council held an emergency joint session with the
11 Planning Commission to discuss the CFZ and the draft development regulations to implement
12 the CFZ. At the joint session, the mayor, Benson Wong, noted “**The solution has become the**
13 **problem.**” Rather than remand the development regulations back to the Planning Commission
14 for further work, the Council decided to repeal the CFZ, which was subsequently repealed.

15 2.5 The cost to the city for the public meetings prior to adoption of the CFZ, staff time,
16 and outside litigation fees was estimated to be between \$250,000 and \$400,000. The JCC did
17 not contribute to the defense of the CFZ at the GMHB. Our own neighborhood that is modest
18 by Mercer Island standards spent over \$40,000 in attorney’s fees fighting the CFZ when the
19 JCC spent nothing and left all the costs to the city and taxpayers.

20 2.6 Shortly thereafter, a citizen attorney named Robert Medved filed an appeal to the
21 GMHB requiring the City to adopt an annual docketing system for proposed code
22 amendments that require any proposed amendment to be filed by October 31 of the preceding
23 year in order to have it be considered by the Council to be placed on the following years
24 Planning Commission docket. The JCC’s attorney, Richard Hill, drafted a code amendment

25 **DECLARATION OF JOHN HALL, NEIGHBOR OF THE JEWISH**
26 **COMMUNITY CENTER IN SUPPORT OF MERCER ISLAND’S**
CODE INTERPRETATION - 5

1 that became known as “The Hill Amendment,” although it was on behalf of the JCC. This
2 code amendment again sought extraordinary regulatory limits for the JCC but included
3 language that would make the code amendment applicable only to the JCC. Again, there was
4 substantial public objection, both to the amendments and to the fact The Hill Amendment was
5 clearly a preferential spot zone. Although the JCC failed to file its proposed code amendment
6 by the deadline on October 31, the Council granted the JCC preferential treatment and
7 allowed it to be added to the docket for consideration the following February.

8 2.7 The Hill Amendment was not popular among the Council, which included many new
9 members. The JCC, seeing the writing on the wall, was allowed to withdraw its application
10 and again received preferential treatment by receiving a refund of the \$26,000 application fee.

11 2.8 After that the JCC had numerous meetings with city staff in an attempt to obtain
12 preferential regulatory limits. That led to the JCC seeking variances that are part of this
13 appeal, that once again will give the JCC extraordinary regulatory limits for height, gross
14 floor area to lot area ratio, and impervious surface limits compared to the surrounding
15 residential zone and neighborhoods.

16 3 The three major concerns I, and my neighbors, have regarding the JCC’s request for
17 variances to the regulatory limits applicable to their property that will exceed the surrounding
18 zone are:

- 19 1. The variances the JCC seeks will harm our neighborhood because the
20 development will be out of scale and will increase the intensity of use that is
21 already causing harm to the neighborhood and is inconsistent for a residential
22 zone. Since the CFZ was adopted in 2018, six neighbors have sold their homes
23 due to the uncertainty, and each had to disclose the JCC’s never-ending
24 proposals in their seller’s disclosure forms. The JCC’s goal is to increase its

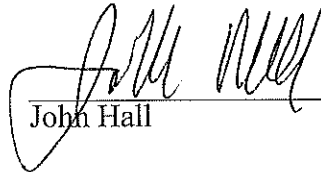
1 gross floor area to lot area ratio, height, lot coverage, and impervious surface
2 limits that are already above the current limits for the residential zone in order
3 to increase the number of its members, students, users, and private and public
4 functions that are wildly out of scale compared to every other CUP on Mercer
5 Island. The JCC knows the proper course for this kind of preferential
6 regulatory treatment is a code amendment, but it also knows that the citizens
7 and council are opposed to that preferential treatment.

8
9 2. If a CUP on Mercer Island with the intensity of use of the JCC can obtain
10 increased regulatory limits simply because it wants to build structures and
11 impervious surfaces not available to the surrounding zone, then how will the
12 city ever be able to tell the owner of a single family home – that is not a
13 conditional use – that that owner is not entitled to the same variances simply
14 because, like the JCC, the owner wants a taller or bigger house, fewer trees,
15 more impervious surfaces, or smaller yard setbacks. The preferential treatment
16 the JCC has already received, and abused, is the conditional use.

17
18 3. No organization on Mercer Island has required more time and received
19 more favorable treatment than the JCC when it comes to the last 50 years of
20 seeking preferential treatment. The size, scale, and intensity of use long ago
21 exceeded what is appropriate in a residential zone or any other CUP on the
22 Island, and the JCC now seeks variances to further increase this inconsistent
23 scale of development and use. Over the last 50 years, the JCC's efforts have
24

1 cost the city at least \$500,000 in public meetings, staff time, outside counsel,
2 and litigation.

3
4 DATED this 10 day of January, 2023.

5
6 
7 _____
8 John Hall

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BEFORE THE HEARING EXAMINER
FOR THE CITY OF MERCER ISLAND

In the Matter of:

Development Code Interpretation No. 22-004

Hearing Examiner File No.: APL22-004
(Interpretation No. 22-004)

**EXHIBIT INDEX AND EXHIBITS IN
SUPPORT OF DECLARATION OF
JOHN HALL**

Comes forth John Hall, and states under penalty of perjury of the laws of the State of Washington that attached to this exhibit index are true and accurate copies of the documents:

1. Exhibit 1: Page 1 – JCC’s 2016 Form 990
2. Exhibit 1: Page 2 – French American School’s 2016 Form 990
3. Exhibit 1: Page 3 – September 8, 2016 Letter from the JCC
4. Exhibit 2: Page 1 – June 9, 1971 letter from the JCC
5. Exhibit 2: Page 2 – July 1, 1971 letter from City of Mercer Island

Form **990**

Return of Organization Exempt From Income Tax

OMB No 1545-0047

2016

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public
Information about Form 990 and its instructions is at www.irs.gov/form990

A For the 2016 calendar year, or tax year beginning 09-01-2016, and ending 08-31-2017

B Check if applicable:
 Address change
 Name change
 Initial return
 Final
 Return/terminated
 Amended return
 Application pending

C Name of organization: Samuel and Althea Stroum Jewish Community Center
 Doing business as: _____
 Number and street (or P.O. box if mail is not delivered to street address) / Room/suite: 3801 East Mercer Way
 City or town, state or province, country, and ZIP or foreign postal code: Mercer Island, WA 980403805

D Employer identification number: 90-0953408

E Telephone number: (206) 232-7115

F Name and address of principal officer: Amy Lavin, 3801 East Mercer Way, Mercer Island, WA 980403805

G Gross receipts \$ 11,085,544

H(a) Is this a group return for subordinates? Yes No
H(b) Are all subordinates included? Yes No
 If "No," attach a list (see instructions)
H(c) Group exemption number ▶ _____

I Tax-exempt status: 501(c)(3) 501(c) () ◀ (insert no) 4947(a)(1) or 527

J Website: ▶ www.sjcc.org

K Form of organization: Corporation Trust Association Other ▶ _____

L Year of formation 1949 **M** State of legal domicile WA

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities The mission of the Stroum Jewish Community Center is to ensure Jewish continuity, to support Jewish unity, to enrich Jewish life, and to participate in and promote the well-being of the Jewish and general community and the people of Israel				
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets				
	3 Number of voting members of the governing body (Part VI, line 1a)	3	20		
	4 Number of independent voting members of the governing body (Part VI, line 1b)	4	20		
	5 Total number of individuals employed in calendar year 2016 (Part V, line 2a)	5	472		
	6 Total number of volunteers (estimate if necessary)	6	115		
	7a Total unrelated business revenue from Part VIII, column (C), line 12	7a	-16,906		
	7b Net unrelated business taxable income from Form 990-T, line 34	7b	-16,906		
Revenue	8 Contributions and grants (Part VIII, line 1h)	Prior Year	2,943,713	Current Year	3,065,445
	9 Program service revenue (Part VIII, line 2g)		6,869,926		7,318,283
	10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)		5,682		10,252
	11 Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)		504,923		506,403
	12 Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)		10,324,244		10,900,383
	Expenses	13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)		0	
14 Benefits paid to or for members (Part IX, column (A), line 4)			0		0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)			7,558,838		8,117,740
16a Professional fundraising fees (Part IX, column (A), line 11e)			0		0
b Total fundraising expenses (Part IX, column (D), line 25) ▶ 216,644					
17 Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)			2,493,143		2,774,279
18 Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)		10,051,981		10,892,019	
19 Revenue less expenses Subtract line 18 from line 12		272,263		8,364	
Net Assets or Fund Balances	20 Total assets (Part X, line 16)	Beginning of Current Year	20,455,624	End of Year	20,605,386
	21 Total liabilities (Part X, line 26)		3,543,537		3,684,935
	22 Net assets or fund balances Subtract line 21 from line 20		16,912,087		16,920,451

2017
12,721,276
1820,293

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: _____ Date: 2018-07-16
 Amy Lavin, Chief Executive Officer
 Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name: Matthew R Matson
 Date: 2018-07-16
 Firm's name: Peterson Sullivan LLP CPA'S
 Firm's address: 601 Union St Ste 2300, Seattle, WA 981012345
 Preparer's signature: Matthew R Matson
 Check if self-employed
 PTIN: P00775671
 Firm's EIN: 91-0605875
 Phone no: (206) 382-7777

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

Form **990**
 Department of the Treasury
 Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public
 ▶ Information about Form 990 and its instructions is at www.irs.gov/form990

OMB No 1545-0047

2016

Open to Public Inspection

A For the 2016 calendar year, or tax year beginning 07-01-2016, and ending 06-30-2017

B Check if applicable:
 Address change
 Name change
 Initial return
 Final return/terminated
 Amended return
 Application pending

C Name of organization: French American School of Puget Sound
 Doing business as:
 Number and street (or P.O. box if mail is not delivered to street address) Room/suite: 3795 E Mercer Way
 City or town, state or province, country, and ZIP or foreign postal code: Mercer Island, WA 98040

D Employer identification number: 91-1682584
E Telephone number: (206) 275-3533
G Gross receipts \$ 9,830,055

F Name and address of principal officer: Eric Thuau, 3795 E Mercer Way, Mercer Island, WA 98040

H(a) Is this a group return for subordinates? Yes No
H(b) Are all subordinates included? Yes No
 If "No," attach a list (see instructions)
H(c) Group exemption number ▶

I Tax-exempt status: 501(c)(3) 501(c) () ◀ (insert no) 4947(a)(1) or 527

J Website: ▶ www.fasps.org

K Form of organization: Corporation Trust Association Other ▶

L Year of formation: 1995
M State of legal domicile: WA

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities We challenge students to excel academically and thrive in French, American and international cultures. We inspire the next generation of global citizens to learn, understand, and act wisely in a multicultural world. Our core values are excellence, integrity, cultural agility, and community.			
	2	Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets		
	3	Number of voting members of the governing body (Part VI, line 1a)	18	
	4	Number of independent voting members of the governing body (Part VI, line 1b)	18	
	5	Total number of individuals employed in calendar year 2016 (Part V, line 2a)	126	
	6	Total number of volunteers (estimate if necessary)	250	
	7a	Total unrelated business revenue from Part VIII, column (C), line 12	0	
	7b	Net unrelated business taxable income from Form 990-T, line 34	0	
Revenue			Prior Year	Current Year
	8	Contributions and grants (Part VIII, line 1h)	592,010	680,922
	9	Program service revenue (Part VIII, line 2g)	8,423,818	8,907,974
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	89,381	82,117
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	-58,909	-43,804
	12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	9,046,300	9,627,209
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0	0
	14	Benefits paid to or for members (Part IX, column (A), line 4)	0	0
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	5,650,477	6,072,824
	16a	Professional fundraising fees (Part IX, column (A), line 11e)	0	0
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶ 175,235		
	17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	2,369,990	2,794,311
	18	Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	8,020,467	8,867,135
19	Revenue less expenses Subtract line 18 from line 12	1,025,833	760,074	
Net Assets or Fund Balances			Beginning of Current Year	End of Year
	20	Total assets (Part X, line 16)	12,860,897	14,231,039
	21	Total liabilities (Part X, line 26)	5,469,260	5,971,995
22	Net assets or fund balances Subtract line 21 from line 20	7,391,637	8,259,044	

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: _____ Date: 2018-04-06
 eric thuau head of school
 Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name: Bob Bowman
 Preparer's signature: Bob Bowman
 Date: 2018-04-06
 Check if self-employed
 PTIN: P02061718
 Firm's name: Peterson Sullivan LLP CPA'S
 Firm's EIN: 91-0605875
 Firm's address: 601 Union St Ste 2300
 Phone no: (206) 382-7777
 Seattle, WA 981012345

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No



STROHM JEWISH COMMUNITY CENTER

September 8, 2015

I am Judy Neuman, CEO of the Strohm Jewish Community Center on Mercer Island. We have been paying close attention to transportation issues facing our Island and I wanted to share how critical mobility is for the JCC, our employees and our members and guests.

Our 250 year-round employees, which grow to 400 seasonally, serve more than 15,000 people every year, including 195 children for preschool, close to 1000 summer day campers and over 500 seniors, plus any more members and guests. Our employees and members commute to the J from all over the metro area via cars, carpools and buses. I-90 traffic is so bad it's impacting our business. Last month a promising young teacher reluctantly backed out of accepting a job after a test run of her commute. I fear for the safety of our employees who walk over 30 minutes each way in the dark to and from the Park & Ride, since the bus route on 36th was closed quite some time ago. I watch every day as preschoolers wait in our classrooms for road-weary parents delayed by traffic both on I-90 and in our Town Center.

While Light Rail will certainly help some, the resulting increase in car traffic will hurt others. These are big, complicated issues that will have a dramatic impact on our business. It is critically important that everyone be educated on the changes and ramifications to make sure Mercer Island benefits from this massive investment.

Specifically:

- Mercer Island traffic to and from Seattle and I-405 should have permanent access to the new HOV lanes
- Mercer Island traffic should be permanently exempt from any tolls or congestion pricing
- We need better ways to get commuters to and from the Park & Ride
- The Park & Ride should be limited to Island residents and even more parking is needed
- We need more bus capacity to and from Seattle immediately- the majority of my employees live off-island.
- I-90 cut-through traffic ties up our roads and needs to be stopped
- The proposed bus intercept should be located elsewhere as it will snarl traffic and overload our already crowded transit stop
- We cannot lose HOV access ramp capacity
- I-90 construction closures should be limited to late nights instead of entire weekend

I urge the council to negotiate fiercely for what is best for Mercer Island and to do so productively, finding win-win opportunities for the people of Mercer Island and the region's transportation needs. The JCC depends on both.

Thank you for your time and interest in this important topic,

Judy Neuman
SJCC CEO

MERCER ISLAND CAMPUS
3801 EAST MERCER WAY
MERCER ISLAND WA 98040
206-232-7215

SEATTLE CAMPUS
2618 NE 80TH STREET
SEATTLE WA 98115
206-526-8073

www.SJCC.org

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Moss Patashnik
Mimi Rosen
Jantha Sidell
Barbara Sulman
Rob Wolf

Judy Neuman
Chief Executive Office

EXHIBIT 2

JEWISH COMMUNITY CENTER OF GREATER SEATTLE

3801 EAST MERCER WAY, MERCER ISLAND, WASHINGTON 98040 • PHONE AD 2-7115



9 June 1971

Mr. Jerry Bacon
M. I. Planning Commission
3505 - 88th Ave. S.E
Mercer Island, Wa. 98040

Dear Mr. Bacon:

In response to some of the questions raised at the last meeting of the Mercer Island Planning Commission on May 19th --

1. Will there be any outdoor lighting.
Answer: There will not be any outdoor lighting.
2. Where will activities be held
Answer: All recreation and activities conducted within the structure.
3. Membership goal.
Answer: 1,000 families is goal.
4. Grade School activities
Answer: Activities consists of classes i.e. arts, crafts, etc. for children with the school range of 6/12 years of age.

I hope this answers some of the questions raised.

Sincerely,

ALFRED ADLER
Treasurer

A handwritten signature in cursive script that reads "Alfred Adler". The signature is written in dark ink and is positioned below the typed name and title.

FA/rk

J.C.C.



CITY OF MERCER ISLAND, WASHINGTON

July 1, 1971

Mr. John Strasburger
30th Floor Sea First Bldg.
1001 4th Avenue
Seattle, Washington

Dear Mr. Strasburger:

This is to advise you that the Mercer Island City Council, at their regular meeting on June 28, 1971 voted unanimously to affirm the decision of the Planning Commission and deny the appeal of your clients as regards to the conditional approval of plans submitted by the Jewish Community Center.

If you have any further questions on the matter please contact the City Planner, Mr. Bacon.

Yours very truly,

Donald L. Hitchman
City Manager

DLH:lb

cc: City Clerk
City Planner
City Attorney
Jewish Community Center

CITY OF MERCER ISLAND
PLANNING COMMISSION
MINUTES

Public Meeting

May 20, 1970

PRESENT:

W. Hinman
C. Hall
C. Anschell
G. Beck
D. Frothingham

OTHERS:

G. Bacon
J. Hunt
B. Werner

The meeting was called to order at 7:35 P.M. by Chairman Walt Hinman. The minutes of the May executive session were read and approved as written.

PLOT PLAN: Jewish Community Center (Tape 5/1/024)

Mr. Bacon presented exhibits showing the previously approved plot plan, and the proposed addition of a play area and structures for small children. He related the history of complaints from neighbors regarding inadequate screening and unshielded lighting. A recent letter from neighbors, mentioning these problems as well as one of trespass, was read. Mr. Bacon indicated that no landscaping plan for this area had been submitted with the plans under consideration, and felt that one for the whole area should be acquired.

Mrs. Goffe, representing the Jewish Community Center Preschool, explained that every accredited nursery school must have an outdoor play area. Also, the paddling pool would be emptied at the end of each day to avoid hazard.

Mr. Hinman asked what landscape plans and lighting changes could be made. The Director, Mr. Okin, explained the development of their lighting and landscaping to date. Mr. Hinman felt that their lights could easily be blocked in certain areas. Mr. Hanan of the Jewish Community Center Board of Directors stated that they would be willing to do whatever is reasonable, though they might not be able to please some neighbors.

Mr. Jack Scholfield, residing across S.E. 40th Street from the club, felt that the requests of the neighbors were quite reasonable and could be easily met. He implied that the club might be trying to force Mr. Chase to sell to them. Mr. Hanan implied the opposite.

Pete Robertson, 9910 S.E. 40th, described the evolution of the parking lot adjoining his property. He noted that the existing landscaping does a poor job of screening the JCC from his property. He also said his property is used as a short-cut to the JCC by pedestrians. He felt expansion of the facility would increase an already bad problem.

Virginia Montgomery, 9767 S.E. 41st, questioned how emergency vehicles could access the property via a walkway from the JCC parking lot. She also cited a noise problem in that she could now hear children shouting all day long from the present location of the daycare center.

Yvonne Bender, 9920 S.E. 40th, spoke in opposition to the proposal. She suggested that if it were to be granted, provision should be made for ensuring an adequate landscaping screen. She stated she had installed landscaping on her own property in order to supplement the landscaping the JCC had installed after its last expansion.

John Kelly, 9818 Mercerwood Drive, objected to the increase in existing levels of noise and visual pollution.

Clarence Cameron, 3809 97th S.E., asked for denial of the request. He stated that previously promised landscaping had not been installed. His present view was of the back of the JCC buildings, including a dumpster. He felt the JCC had not been a good neighbor, and would continue in the same vein.

Residents of the neighborhood complained about existing levels of JCC-related traffic, noise and the lack of landscaped screening.

Pollock said he was surprised by many of those criticisms.

"A lot of the things that were talked about had never been told to me," he said. Pollock has been executive director of the JCC for six years.

Those complaints from neighbors will be addressed, Pollock said.

EXHIBIT 3



CITY OF MERCER ISLAND, WASHINGTON
DEPARTMENT OF COMMUNITY DEVELOPMENT

May 2, 1985

Dear Party of Record:

Re: Conditional Use Permit - Stroum Jewish Community Center

This letter is to advise you that the Mercer Island Planning Commission denied the above-referenced proposal on May 1, 1985. Persons aggrieved by and wishing to appeal the action of the Commission must file a written "notice of administrative appeal to the City Council" with the City Clerk by May 13, 1985. If no written notice of appeal is received, the Commission's action will be final, and will not be subject to judicial review.

Any administrative appeal of actions taken under the authority of the State Environmental Policy Act (i.e., mitigation measures and/or conditions required as part of a Determination of Nonsignificance; adequacy of an EIS; conditions or denials of the proposal based on SEPA) must be consolidated and filed together with any appeal filed on the Planning Commission's action.

A written notice of administrative appeal should contain a brief and concise statement of the matter being appealed, the applicant's contentions on appeal, and a statement demonstrating standing to appeal. Appellants and parties of record will be notified of the date, place, and time of the Council's appeal hearing.

Please contact the Department of Community Development for additional information.

Sincerely,

Shannon Hart
Principal Planner

cc: File
Parties of Record
Applicant's Representative

MERCER ISLAND PLANNING COMMISSION
FINDINGS SUPPORTING DENIAL OF
CONDITIONAL USE PERMIT
REQUESTED BY STROUM JEWISH COMMUNITY CENTER
MAY 1, 1985

The Planning Commission finds that the conditional use permit requested by the Stroum Jewish Community Center, to incorporate property at 9824 Southeast 40th and to convert the use of said property from single-family residential to a day care facility, is inconsistent with the criteria for granting of a conditional use permit contained in Section 19.04.1403(B) of the Mercer Island Zoning Code as follows:

1. Although structural and exterior modifications to the existing single-family residence at 9824 S.E. 40th St. are not proposed, the use of said residence is proposed to change to a day care center for 15 to 20 children. Such a facility is not normally permitted by the Mercer Island Zoning Code in single-family residential zones. The Commission concludes, therefore, that the requested permit is not consistent with the restrictions of the R 8.4 zone and Section 19.04.1403(B)(1), MIZC.
2. The proposed use is not acceptable in terms of size and location, nature of the proposed use, character of surrounding development, and traffic capacities of surrounding streets. Approval of the requested conditional use permit would exacerbate the visual, noise, parking, and traffic impacts associated with the J.C.C., which would adversely affect the surrounding residential neighborhood. The proposed day care facility, if approved, would increase J.C.C. - related on-street parking along S.E. 40th St. during peak traffic hours and special events, as it would become possible to walk through the day care center site to the J.C.C. complex. The physiography of the subject property and surrounding neighborhood intensify the noise and visual impacts of the J.C.C. complex. Further magnification of said impacts would adversely affect the surrounding residential neighborhood. Measures to mitigate traffic and parking impacts (e.g., the installation of a barrier across S.E. 40th St.) may conflict with public safety and emergency access requirements.
3. The proposed development would be an encroachment of commercial activity into an existing single-family residential neighborhood. The single-family residential character of said neighborhood is already fragile due to the existence of the J.C.C. complex, Herzl-Ner Tamid Congregation, City shops, and other commercial development adjacent to I-90. Further encroachment of commercial activities to the south of the existing J.C.C. improvements would adversely affect the long term stability of the surrounding single-family residential community.

Findings Supporting Denial of
Conditional Use Permit -
Stroum Jewish Community Center
May 1, 1985
Page 2

4. The proposed use, if approved, would impact the use and development of two currently underdeveloped lots in the northwest quadrant of the intersection of S.E. 40th Street and 99th Avenue Southeast. Approval of requested conditional use permit would result in said lots being surrounded by non-residential uses on three sides (i.e., the day care center to the west, a telephone substation to the east, and the J.C.C. parking lot to the north), and would adversely affect the desirability of said lots for residential purposes. Conversely, if the subject property remains a single-family residence, a single-family residential enclave will be firmly established to the southeast of the J.C.C. complex, which will protect and perpetuate the single-family residential character of the neighborhood.

Planning panel rejects JCC expansion

By JOHN SHANAHAN

Expansion plans for the Stroum Jewish Community Center (JCC) received a major setback May 1 when the Mercer Island Planning Commission refused to allow a house on JCC property to be used as a day care facility.

JCC executive director Gary Pollock said he did not know if he would appeal the decision. That appeal would have to come within 10 days of the hearing.

"We are going to be discussing it with the executive committee and board of directors," he said.

The center applied for a conditional use permit allowing it to convert a 2,100 square foot home at 9824 S.E. 40th St. into a day care facility for 15 to 20 children. The JCC owns the house and surrounding property.

The center hoped to expand day care and senior programs into the residence to reduce the load on the

existing JCC day care facility, which has had to annex the center's board room and a multiple purpose room, and is crowding out other programs, Pollock said.

The move would not have increased JCC traffic or noise levels from what they are at present, Pollock said.

HOWEVER, planning commission members voted unanimously that the conditional use, if approved, would have a negative impact on the neighborhood around the JCC.

The commission noted that the single family nature of the neighborhood was already fragile "due to the existence of the JCC complex, Herzl Ner Tamid Congregation, city shops and other commercial development adjacent to I-90."

Allowing the house to be used as a day care center, the commission felt, would have meant surround-

ing two lots at the corner of 40th S.E. and 99th Ave. S.E. with non-single family use on three sides, making their residential development unlikely.

The JCC had previously expressed interest in purchasing the lots.

In effect, the planning commission ruling draws the line on commercial development in the neighborhood.

Residents of the neighborhood complained about existing levels of JCC-related traffic, noise and the lack of landscaped screening.

Pollock said he was surprised by many of those criticisms.

"A lot of the things that were talked about had never been told to me," he said. Pollock has been executive director of the JCC for six years.

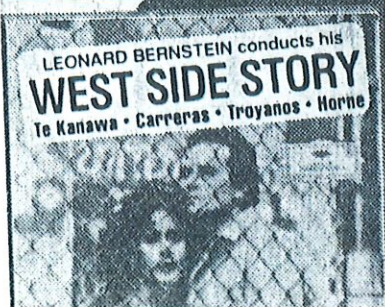
Those complaints from neighbors will be addressed, Pollock said.

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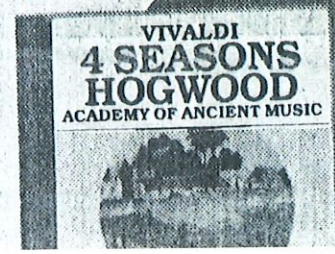
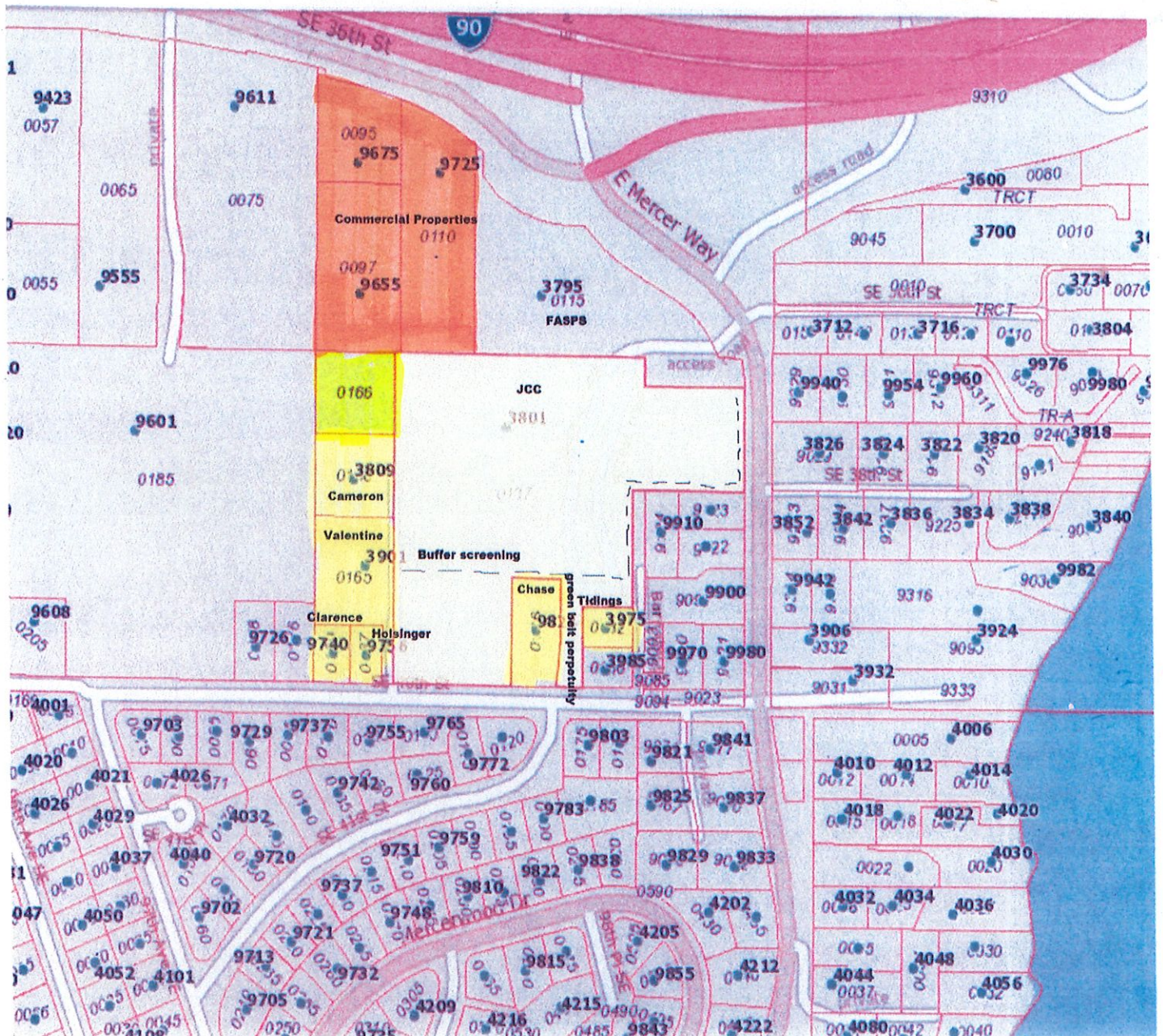
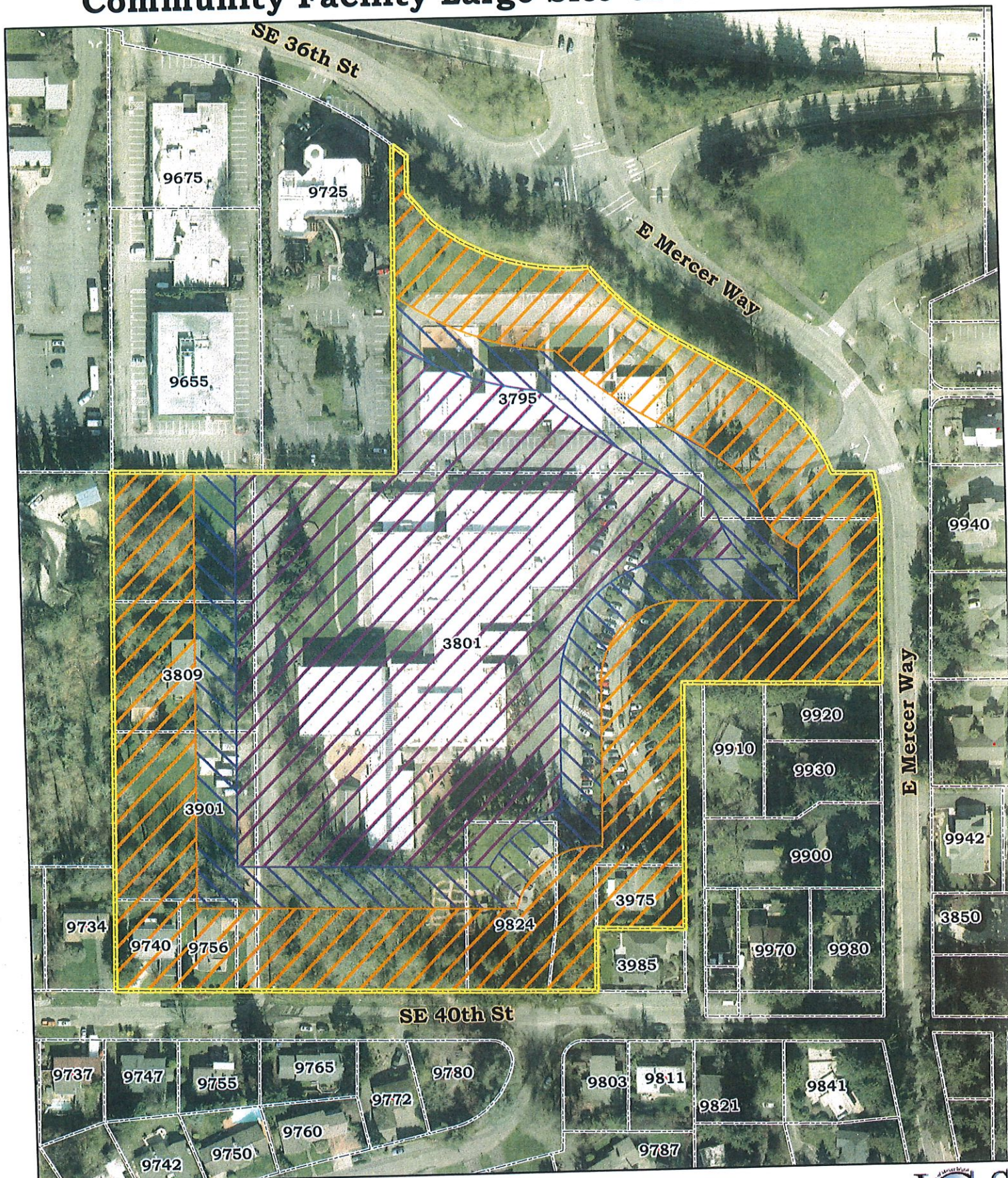





EXHIBIT 4



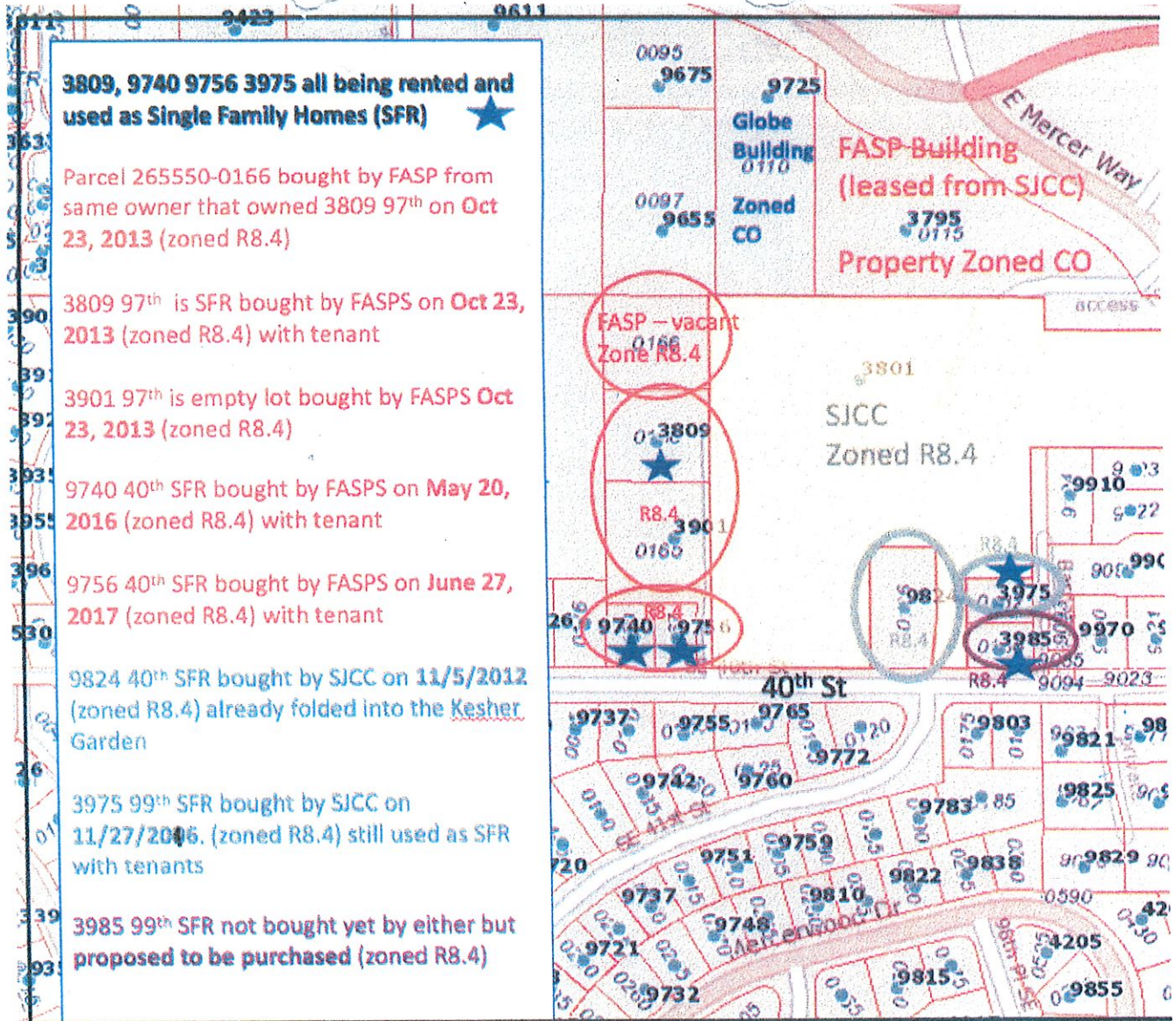
Red - Commercial
Yellow & Green - Residential purchased
on speculation

Community Facility Large Site Gross Floor Area



-  0-100 feet from Residential or ROW: 0%
-  100-150 feet from Residential or ROW: 20%
-  More than 150 feet from Residential or ROW: no limit

-  Large Site Perimeter
-  Property Lines



3809, 9740 9756 3975 all being rented and used as Single Family Homes (SFR) ★

Parcel 265550-0166 bought by FASP from same owner that owned 3809 97th on Oct 23, 2013 (zoned R8.4)

3809 97th is SFR bought by FASPS on Oct 23, 2013 (zoned R8.4) with tenant

3901 97th is empty lot bought by FASPS Oct 23, 2013 (zoned R8.4)

9740 40th SFR bought by FASPS on May 20, 2016 (zoned R8.4) with tenant

9756 40th SFR bought by FASPS on June 27, 2017 (zoned R8.4) with tenant

9824 40th SFR bought by SJCC on 11/5/2012 (zoned R8.4) already folded into the Keshar Garden

3975 99th SFR bought by SJCC on 11/27/2006. (zoned R8.4) still used as SFR with tenants

3985 99th SFR not bought yet by either but proposed to be purchased (zoned R8.4)

- 3809 97th SE was sold to French School by Clarence Cameron
- 3901 97th SE was sold to French School by Kathleen and Thomas Valentine
- 9740 40th was sold to French School by Larry Clarence
- 9756 40th was sold to French School by Earnestine Holsinger

- 9824 40th sold to SJCC by Washington St Holocaust Education in 2012, I cannot see who owned it before this
- 3975 99th sold to SJCC by Eric Nordling
- 3985 99th owned by Suzanne and Robert Lazear who bought it back in 2001 from Maurice and Margaret Keating

EXHIBIT 5

Neighbors oppose JCC plans

City OKs JCC street vacation

Hayley Farhead vs first-use students to see parents to deserve. I work fighting. "At the top of our classes here are all who the link and bring us" popkins role in n. ling to the time y that's erence popkins unorgan- arming lated," issues knowl these ceel not muni-out op- o help ect of g an from 7 arch and st ation, -1520

By Stephen Weigand
Mercer Island Reporter

The Mercer Island City Council unanimously approved a street vacation request by the Stroum Jewish Community Center, paving the way for the center's proposed expansion plans.

The city will be compensated for the vacation in the amount of the appraised value for the land.

Although two neighbors of the JCC filed letters with the city expressing their opposition to the street vacation — mostly on the ground that approving the vacation allows the JCC to add more density, traffic and congestion — only one of them spoke at the meeting last Monday.

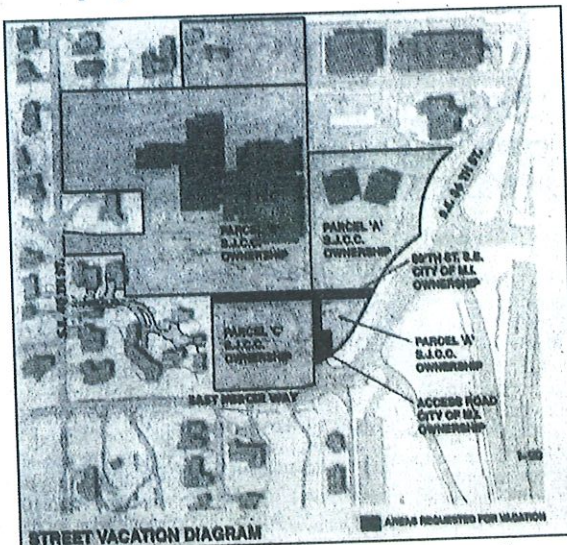
"It's another tool for them to increase density," said John Hall.

Hall said that he and other neighbors will legally challenge the expansion plans if they need to.

Mayor Alan Merkle assured Hall that approval of the street vacation doesn't increase the JCC's density in itself and that Hall would have the chance to state his case against expansion when the time comes.

But according to JCC director Barry Sohn, there are no imminent plans to expand the facility and create a so-called Jewish campus on Mercer Island.

The JCC site already has a fitness center, classrooms, administrative offices, the French American School of Puget Sound and parking. A master plan calls for the addition of new classrooms, administrative offices, learning center and fitness facilities, bringing the total build-



The above map shows in dark blue the property recently vacated by the City of Mercer Island to the JCC.

ing area from 89,694 square feet to 222,092 square feet. In addition, the JCC is discussing with other Jewish organizations about moving to Mercer Island to create a Jewish campus.

Sohn said that other Jewish agencies have yet to say whether they want to move to the Island to build a campus, and that the street vacation was recommended by its architects.

"Again at this point, it's not like the bulldozers are coming in tomorrow," he said. "I have no idea if and when the expansion will proceed."

The JCC filed the petition for the vacation of two rights-of-way in August 2002 and is in the first step in evaluating the feasibility of improving the site.

Hall argues that the street vacation gives the JCC more room to increase density on the site and that an expansion invades the neighborhood.

Hall, a 48-year-old homebuilder that has lived near his current home

for 46 years, claimed that the city made a promise to neighbors that the city would protect their rights and limit the JCC's expansion plans to the north where the French American School is currently located.

"A lot of us in the neighborhood feel we should expect the city should keep their promise," Hall said.

"You can't expand to the size (the JCC wants) without impacting us," he continued.

Richard Hart, director of the city's Development Services Department, said he has no knowledge of promises made to neighbors and that land-use decisions are made by the City Council and Planning Commission. He added that there is nothing on the JCC's conditional use permit that says it cannot expand or petition the city to modify the permit.

Although he realizes the JCC has a right to expand, Hall said he sees it as the neighborhood fighting for its values, lifestyle and property rights — and that the city promised that they weren't going to be able to expand.

"We don't have a problem with their facility or expansion, except in how it impacts us," he said.

Sohn described the JCC's plan as just one scenario. He acknowledges that that kind of density could potentially exist, but added that he thinks the chances of that happening soon are pretty remote.

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STREET VACATION CRITERIA RESPONSE- TITLE 19.09.070

Criteria for granting Street Vacations per Mercer Island Zoning Code, Section 19.09.070:

- a. Granting the vacation will not conflict with the general purposes and objectives of the city's comprehensive plan as to land use, streets, utilities, drainage, parks, trails, and open space.

Vacating the indicated portion of 99th Avenue SE and the area near the existing entry to the Stroum Jewish Community Center (SJCC) would not conflict with any of the purposes and objectives of the City's Comprehensive Plan. A 5,445 square foot area near the SJCC entry is a remnant of the property acquired by the Washington State Department of Transportation for the construction of Interstate 90. The ownership of this property reverted to the City of Mercer Island, but there is no evidence that it was ever intended to be City right-of-way.

No connection from the south into the property is desired by either the neighborhood or the applicants. The City has indicated that access to the site from the north via S.E. 36th is not considered desirable. Therefore, the use of 99th Avenue S.E. is considered detrimental from both the north and the south. The SJCC controls adjacent property on both sides of the right-of-way proposed for vacation, and does not intend to utilize 99th Avenue S.E. for access.

The remnant WASHDOT property is currently used for access to the site and would remain in that use. The parking garage would lie below the access road.

The survey does not indicate the presence of any utilities in the 99th Avenue S. E. right-of-way. Existing utility easements for Puget Sound Energy on the remnant WASHDOT property will be maintained or revised at the direction of Puget Sound Energy.

Trees on the City right-of-way will be either protected or relocated according to plans subject to a Conditional Use Permit. The only trails on the right-of-way are those used by people at the SJCC to access parking.

- b. The street or portion thereof, is not likely to serve a useful public purpose both now and in the future, which cannot be met through use of easements for a specific purpose, or the vacation will best serve the public interest.

The use of 99th Avenue S.E. north of S.E. 40th is limited to a small grouping of single-family residences. The SJCC has been careful to avoid access to their facility from the single-family neighborhood to the south. A street vacation would formalize the intent of not using this land for access to the site.

The remnant WASHDOT property is currently used for as a private access road serving the site and would remain in that use. Vacation of this land would allow the construction of the parking garage, which would place the bulk of parking, now on the surface, below grade.

- c. The vacated area will not increase the number of single-family building sites or multi-family density.

No single-family or multi-family building sites would be affected.

- d. The request for vacation was not initiated to correct a condition created by an applicant in violation of city ordinance

There are no current violations of any City ordinances.

- e. The vacated area cannot be used to increase commercial density

The vacation is being pursued because the right-of-way runs through the center of the SJCC's property. This property is not of use to the City, but allows flexibility in the layout of facilities for the site. It does not increase commercial density.

From: [Andrea Larson](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Monday, November 13, 2023 9:21:56 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)
The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City Hall and City service hours of operation.

From: Tamar Reynard <tlreynard1127@gmail.com>
Sent: Sunday, November 12, 2023 8:05 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

For over 54 years, the SJCC has served Mercer Island residents with programs for all ages and all are welcome. However, this building is old, is not ADA compliant, needs a working HVAC system and it features a swimming pool that is long past its useful use.

It's time for a substantive, accessible, and sustainable redevelopment, yet the current residential zoning makes this nearly impossible. A rezone to Commercial Office property would significantly facilitate this remodel while honoring the neighborhood integrity and specific interests of the proximate neighbors.

For over 54 years, the SJCC has operated as a vital community asset. It would be a loss for the broad Mercer Island community to not support the modernization of this facility.

Further, this request affects the SJCC ONLY, and will not have any impact on any other facility or institution on the Island.

The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

From: [Council](#)
To: [Alison Van Gorp](#); [Deb Estrada](#)
Subject: FW: Stroum JCC Rezone Request
Date: Monday, November 13, 2023 9:21:27 AM

Comment received to Council mailbox

[Andrea Larson](#)
City Clerk
City of Mercer Island
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From: Jay Behar <jay@behars.com>
Sent: Sunday, November 12, 2023 6:58 PM
To: Council <council@mercergov.org>
Subject: Stroum JCC Rezone Request

Dear Mercer Island City Council,

I'm writing to request that the Mercer Island City council places the Stroum Jewish Community Center's request to rezone their large residential land parcels to Commercial Office on the docket, with prioritization for action in 2024.

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The time to support the future of the Stroum Jewish Community Center on Mercer Island is now.

Thank you for your support.

Jay

Jay Behar

Executive Director – Pacific Furniture Dealers

P: (206) 465-2520 – **E:** jay@behars.com

W: www.pacificfurnituredealers.com