



To: Planning Commission
From: Alison Van Gorp
Date: November 15, 2023
RE: 2024 Annual Docket – Proposed Amendment 18

EXECUTIVE SUMMARY

The City provides an annual opportunity for the public to propose amendments to the Comprehensive Plan and development regulations. The proposed amendments are compiled, along with the City’s proposed amendments, on a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the “final docket” are then put on the Community Planning and Development (CPD) work program, typically for the next calendar year or when time and resources permit. This memo outlines the process for evaluating Proposed Amendment 18, which was applied for by the Stroum Jewish Community Center and concerns redesignating/rezoning their property to Commercial Office.

BACKGROUND

Docket Process

The Mercer Island City Code (MICC) describes the formal process for soliciting and reviewing docket proposals in section 19.15.230 MICC:

“D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public. The following process will be used to create the docket:

- 1. Preliminary Docket Review. By September 1, the city will issue notice of the annual comprehensive plan amendment cycle for the following calendar year. The amendment request deadline is October 1. Proposed amendment requests received after October 1 will not be considered for the following year’s comprehensive plan amendment process but will be held for the next eligible comprehensive plan amendment process.*
 - a. The code official shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.*
 - b. The code official shall review all complete and timely filed applications proposing amendments to the comprehensive plan or code and place these applications and suggestions on the preliminary docket along with other city-initiated amendments to the comprehensive plan or code.*
 - c. The planning commission shall review the preliminary docket at a public meeting and make a recommendation on the preliminary docket to the city council each year.*
 - d. The city council shall review the preliminary docket at a public meeting.*

By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Only Proposed Amendment 18 will be considered as a part of this staff memo and the docket application submitted by the Stroum Jewish Community Center for this proposed amendment is included in Attachment 1. Public comment on the proposal is included in Attachment 2.

Docketing Criteria

The City Code prescribes that proposed comprehensive plan and development code amendments should only be recommended for the final docket if the amendment will meet the criteria in MICC 19.15.230(E):

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

iv. 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; and

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."

CPD Work Plan

The docketing criteria, shown above, include a requirement that the City "can provide resources, including staff and budget, necessary to review the proposal". As has been the case in the last several years, City staff capacity for legislative review is limited. In addition, the existing CPD work plan already includes several major work items that will continue in 2024, summarized below. Any work items added to the docket will need to be additive to the items already on the work plan:.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously panned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

The existing work plan items represent a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council and community bandwidth. Staff anticipate the periodic update of the Comprehensive Plan will require all of the time available at the Planning Commission's monthly meetings through mid-2024 and will likely also require additional special meetings. The City Council will then begin their review, which will also require several meetings. The Planning Commission will need to begin review of the legislatively-mandated residential code amendments in the last quarter of 2024.

As such, time available for review and consideration of additional docket items will be extremely limited. Each item added to the final docket typically requires at least three touches by the Planning Commission and two by the City Council, a process that usually takes 6 months or more to complete. Thus, if new items are added to the docket and CPD work plan for consideration in 2024, it is very likely that they would need to be carried over into 2025 or beyond.

ISSUE/DISCUSSION

REVIEW AND RECOMMENDATION

Proposed Amendment 18 is quasi-judicial in nature (i.e. it pertains to rezoning a specific property), and will need to be reviewed separately from the other docket proposals, utilizing special procedures as recommended by the City Attorney's Office (more details provided below). Thus, the review process will be bifurcated to enable Proposed Amendment 18 to be reviewed via this separate/special process, followed by review of the remaining proposed amendments through the more typical process.

The Planning Commission will need to review the Proposed Amendment 18 and make a recommendation to the City Council on whether it should be included in the final docket. The Planning Commission should consider the criteria from MICC 19.15.230 (E), provided above, to determine whether to recommend adding a project to the final docket. The decision must be based on the docketing criteria – this is a decision on whether the proposal meets the criteria and can, therefore, be placed on the docket and advanced for future legislative review. It is not a decision on the merits of the proposal. Please carefully consider the workload for CPD staff and the Planning Commission related to the recommended items, especially in light of existing work plan items already planned for 2024 (discussed above).

Quasi-Judicial Proceedings

As outlined in the meeting agenda, a "special business" item has been placed at the start of the meeting. During this time, the Commission will review Proposed Amendment 18 following a quasi-judicial process. This process is intended to create a separate and distinct record for this matter so that the Planning Commission can consider the proposal in a fair and unbiased fashion. The decision being made is whether to docket the proposed amendments for further consideration and legislative review in the future. The Commission should limit their consideration of this matter to the information that is on the record, including the written public comments attached to this memo and those received during the public comment period during the November 15 meeting and to the criteria for docketing proposals.

These proceedings will begin with a series of questions on the appearance of fairness directed to each commissioner. After the appearance of fairness questions are completed, the public will have the opportunity to challenge any of the responses from Commissioners in regards to the appearance of fairness. 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.

After the appearance of fairness process concludes, public comment on the proposal will be heard. In addition to the live comments, any written comments received after the publication of the agenda packet will need to be read into the record by City staff. The proposal proponents will then have 3 minutes to speak to the proposal, followed by 3 minutes for a presentation by City staff. Each party may take an additional minute to rebut the remarks of the other party. After the remarks and any rebuttals, the Planning Commission will move into deliberations on the proposal. Motions will be needed to adopt findings on whether the proposal meets each of the docketing criteria in MICC 19.15.230(E). Finally, the Commission will need to make a motion on whether to recommend the City Council include Proposed Amendment 18 in the final docket.

PROPOSED AMENDMENT 18

Proposed By: Stroum Jewish Community Center

Comprehensive Plan or Code Section: Comprehensive Plan Land Use Map, Zoning Map

Proposal Summary: These amendments will redesignate the SJCC's property as Commercial-Office on the Comprehensive Plan Land Use Map and the Zoning Map.

Staff Comments: The property proposed to be redesignated/rezoned is adjacent to the existing Commercial-Office zone. Approving these amendments could allow more intense development on the subject property, under the development regulations that pertain to commercial development in MICC 19.04 and 19.12.

Docketing Criteria:

- 1. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;**
The proposed amendment meets this criterion. A Land Use Map amendment and Zoning map amendment are appropriately addressed through amendments to the Comprehensive Plan and development code, respectively.
- 2. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;**
The proposed amendment is a low priority for staff/budget resources. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it is unlikely to be able to be completed in 2024 and it may need to be carried over to a future year for review.
- 3. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;**
The proposed amendment does not raise policy or land use issues that are related to an ongoing work program approved by the city council.
- 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.

5. **The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.**

The City Council has not considered the essential elements/proposed outcome of this proposal in the last three years.

NEXT STEPS

The City Council will review the Planning Commission and staff recommendations at the December 5, 2023 meeting. At that time the Council will set the final docket for 2024.

ATTACHMENTS

1. Docket Application filed by the Stroum Jewish Community Center
2. Written public comments (forthcoming)

COMMUNITY PLANNING & DEVELOPMENT

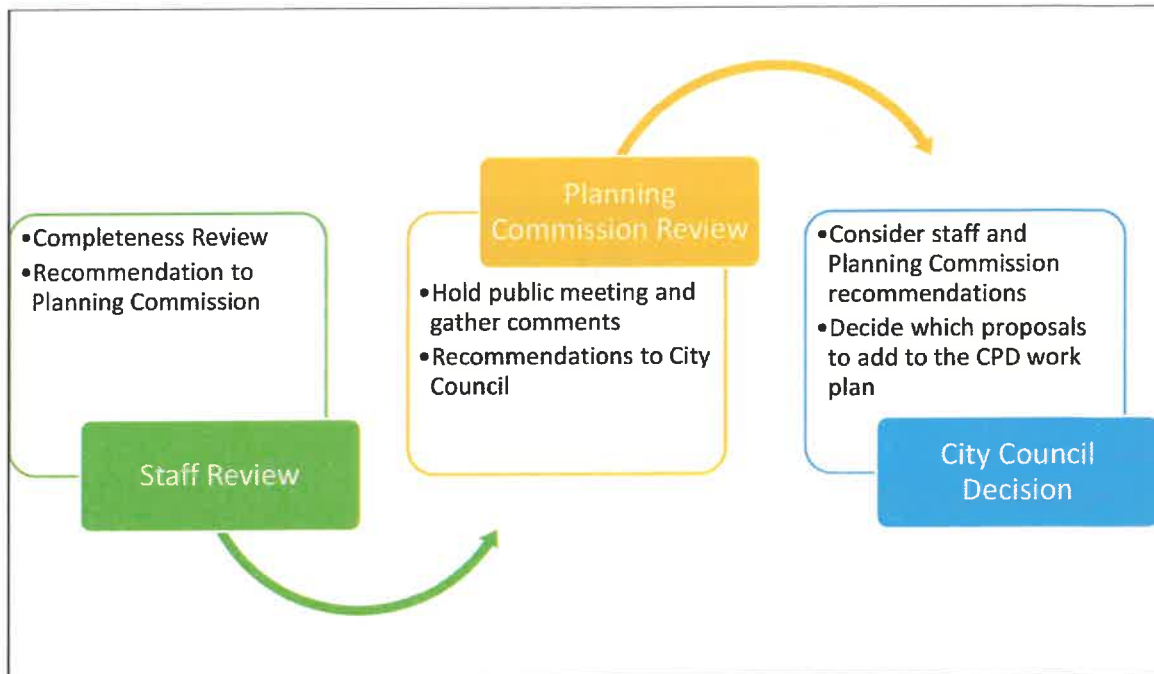
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov/cpd



2024 DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

Docket requests are the first step in the process of amending the City’s Comprehensive Plan or development regulations. The Mercer Island City Code (MICC) describes the process for these amendments in MICC [19.15.230-.260](#). The illustration below summarizes the annual docket process.



Staff review all docket requests for timeliness and completeness and will use the information provided in the application form to present a request to the Mercer Island Planning Commission and City Council. The Planning Commission will review the docket requests and make a recommendation to the City Council regarding which docket items to add to the final docket.

The City Council has decision-making authority over all annual docket proposals. The City Council determines whether to add a proposal to the final docket. Items added to the final docket will be incorporated in the Community Planning and Development work plan for the upcoming year. Docket requests are evaluated based on alignment with the current City work plan, current policies, programmatic priorities, staff capacity, and budget to complete the legislative process for the request in the following year. The City Council will approve the final docket by December 31 each year. Items placed on the final docket will be scheduled for legislative review by the Planning Commission and City Council in the following year.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Stroum Jewish Community Center, c/o Amy Lavin
Address: 3801 East Mercer Way, Mercer Island, WA 98040
Phone: 206-275-7115
Email: amyl@sjcc.org

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: Jessica Clawson
Address: 8475 SE 45th Street, Mercer Island WA 98040
Phone: 206-812-3378
Email: jessie@mhseattle.com

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner Name: Stroum Jewish Community Center
Address: 3801 East Mercer Way, Mercer Island, WA 98040
County Assessor's Parcel No.: 2655500137, 2655500136, 2655500132, portion of 2655500115
Parcel Size (sq. ft.): Appx 381,468 s.f.

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent. Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment Development code Amendment

Is this submission a **suggestion** for a Comprehensive Plan or Development Code amendment, or is this an **application** for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion Application

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

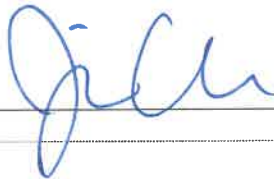
Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature: _____



Date: _____

9/28/23

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Please attach a separate narrative
responding to the above questions.

DOCKETING CRITERIA

MICC 19.15.230(E) Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change;
or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. 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; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA

MICC 19.15.230(F) Decision criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

MICC 19.15.250(D) Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Stroum Jewish Community Center
3801 E Mercer Way
Mercer Island, WA 98040

September 27, 2023

Jeff Thomas
Director, Community Planning & Development
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Dear Director Thomas,

I write to let you know that Jessica M. Clawson, an Attorney with McCullough Hill PLLC, has the consent of the owners and leadership of the Stroum Jewish Community Center to submit the enclosed comprehensive plan and zoning map amendment application for the SJCC property.

Please do not hesitate to contact me if you have any questions about the application Jessica will submit with the consent of SJCC's owners and leadership.

Thank you,



Amy Lavin
Executive Director
Stroum Jewish Community Center

2023 Stroum Jewish Community Center Comprehensive Plan Map Amendment

Thank you for your consideration of our Comprehensive Plan Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132, and a small portion of 2655500115 from Single Family to Commercial Office on the Comprehensive Plan’s Future Land Use Map.

The proposed map change will facilitate a rezone to Commercial Office, which will allow for a rebuild/renovation of the Stroum Jewish Community Center (“SJCC”). Under the current single-family designation, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability renovate our aging facilities for over six years. In this timeframe, we’ve taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- Facilitating better traffic flow and provide enough safe parking so there is less impact on our neighbors;**
- Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- Ensuring that any changes to the SJCC property through zoning don’t have secondary impact on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an

invitation was mailed to all addresses within 1000' radius of the SJCC, emailed to SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The Comprehensive Plan's Future Land Use Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).

The proposal meets both the docketing criteria and the decision criteria, as follows:

E. Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the Comprehensive Plan's Future Land Use Map, which is a change that can only be addressed through the Comprehensive Plan.

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger redesignation of similarly situated schools and institutions and focuses only on the JCC site. There is no current work program approved by the City Council that addresses redesignation of the SJCC to conform to the historic use of the property.

iv. 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; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population.

Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety, human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for redesignation is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO designations and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 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. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 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. *As the City is aware, the current single-family zone has been amended and*

development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED+, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC's auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island's Heritage. *The SJCC is a piece of Mercer Island's history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash>. *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO designation reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO designation is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *The while the designation of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

F. *Decision criteria.* Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:

Yes. The proposal is consistent with GMA, King County’s CPPs, and other provisions of the Mercer Island Comprehensive Plan.

Compliance with GMA.

WAC 365-196-405(1)(2) requires the City to designate the general location of the uses of land...for commerce (and) recreation. *The SJCC has not been in single family use for 60 years. It is consistent with GMA to designate the SJCC as CO which is consistent with its current use.*

WAC 365-196-405(2)(b) requires the City to identify existing general distribution and location of various land uses, the appropriate acreage, and general range of density or intensity of existing uses. *Again, the SJCC has not been in single family use for 60 years. It is appropriate for the City to identify and change the designation of the property to CO, consistent with GMA. It would be inappropriate for the City to include the SJCC in its buildable lands / housing needs assessment as single-family property, as it has not been in single family use for 60 years and is not “buildable land” for residential use.*

Compliance with King County CPPs.

The CPPs can be found [here](#). The following goals/policies support the proposed amendment:

- **Communities across King County are welcoming places where every person can thrive. (Vision for King County 2050). *The SJCC welcomes all people.***
- **FW-6. Enable culturally and linguistically appropriate equitable access to programs and services and help connect residents to service options, particularly for those most disproportionately cost-burdened or historically excluded. *The SJCC seeks to be the Puget Sound’s most open and welcoming community-center Jewish organization. Through its programs the SJCC connects Jewish and non-***

Jewish people to culture, recreation, education, and arts, and through philanthropic support ensures this connection is affordable to anyone who seeks it.

- **EN-6.** Locate development and supportive infrastructure in a manner that minimizes impacts to natural features. *This is an infill development which will actually decrease impact to surrounding natural features after redevelopment.*
- **CDP-40.** Plan for neighborhoods or subareas to encourage infill and redevelopment, reuse of existing buildings and underutilized lands, and provision of adequate public spaces, in a manner that enhances public health, existing community character, and mix of uses. *This change will facilitate the rebuilding and renovation of an existing building, and one of the SJCC's missions is to support a healthy community.*
- **EC-14.** Celebrate the cultural diversity of local communities as a means to enhance social capital, neighborhood cohesion, the county's global relationships, and support for cultural and arts institutions. *The SJCC is the only Jewish community center in Washington state. The SJCC hosts many global-related programs and is an incredible social and cultural resource for Mercer Island, and the broader region.*
- **EC-26.** Encourage commercial and mixed-use development that provides a range of job opportunities throughout the county to create a closer balance between the location of jobs and housing. *The SJCC is one of the Island's largest employers. Keeping jobs on the Island is important.*
- **PF-19.** Locate schools, institutions, and other community facilities and services that primarily serve urban populations within the UGA, where they are accessible to the communities they serve. If possible, locate these facilities in places that are well served by transit and pedestrian and bicycle networks. *The SJCC is reachable by the I-90 bike trail, as well as the East Mercer Way bike trail. It is very accessible to all on the island, and also to those coming off of I-90 without creating a bunch of cut-through traffic on the Island.*

Compliance with Mercer Island Comprehensive Plan.

See above.

- a. There exists obvious technical error in the information contained in the comprehensive plan; or

Not applicable.

- b. The amendment addresses changing circumstances of the city as a whole.

The SJCC has been in existence in this location for 54 years. The building is past its useful life and needs significant rebuilding and replacement. In 2017, the City of Mercer Island amended its single-family code provisions to prohibit "mega-houses." In doing so, the City passed regulations that create maximum size of use limitations that rendered the SJCC nonconforming to several code provisions meant to apply to single-family homes. In 2021, the SJCC filed an interpretation request with the City to determine whether a rebuild of the SJCC could obtain variances from the single-family regulations, which

would have capped a new building at those square footage limitations meant to apply to single-family homes. On November 21, 2022, the City issued Development Code Interpretation 22-004 that stated non-residential uses could not seek variances from the relevant single-family regulations in any area beyond impervious surface. The impact of the interpretation is that the SJCC cannot renovate/rebuild in its current single-family zone due to the City's stringent nonconforming provisions and impracticable renovation restrictions. In order to renovate/rebuild to stay on Mercer Island and continue to serve the community on the Island, the comprehensive plan map and zone designation of the SJCC's parcels must be changed from SF/R-8.4 to Commercial Office.

2. If the amendment is directed at a specific property, the following additional findings shall be determined:

a. The amendment is compatible with the adjacent land use and development pattern;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, public facilities/CO land to the west of the parcel, and CO/B land to the east of the parcel. To the south of the parcel is designated single family; the development standards of the CO zone, as well as SEPA review, can mitigate any potential incompatibilities of a future project on single family adjacencies.

c. The property is suitable for development in conformance with the standards under the potential zoning; and

Yes. The proposed rebuild/renovation of the SJCC can meet the CO zone requirements. In many areas it performs better than the CO development standards would require—it increases setbacks beyond requirements and is developed to a lower height than allowed by the CO zone.

d. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

The amendment would retain the SJCC on Mercer Island. The SJCC is a benefit to all residents of Mercer Island. Please see Exhibit B for a benefits statement.

The change from single family to CO would not impact community facilities. Instead, it would benefit community facilities by maintaining a community facility on the Island, which in turn reduces pressure on the City pool, the City Community Center, and all other childcare and educational facilities. Further it assures the SJCC can continue enriching the lives of thousands of Mercer Island residents every year.

The change from single family to CO would not impact public health, safety, and general welfare. Instead, retaining the SJCC in this location will benefit public health, safety and general welfare. Any potential impacts of the future SJCC project can be mitigated by application of the CO zone standards and SEPA mitigation. Please see Exhibit C regarding environmental benefits associated with the redesignation.

4. For Comprehensive plan amendments: Is the proposal consistent with the Growth Management Act and King County Countywide Planning Policies?

Yes. Please see above.

5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

The proposal is aligned with the goals of the City's Comprehensive Plan. Please see above.

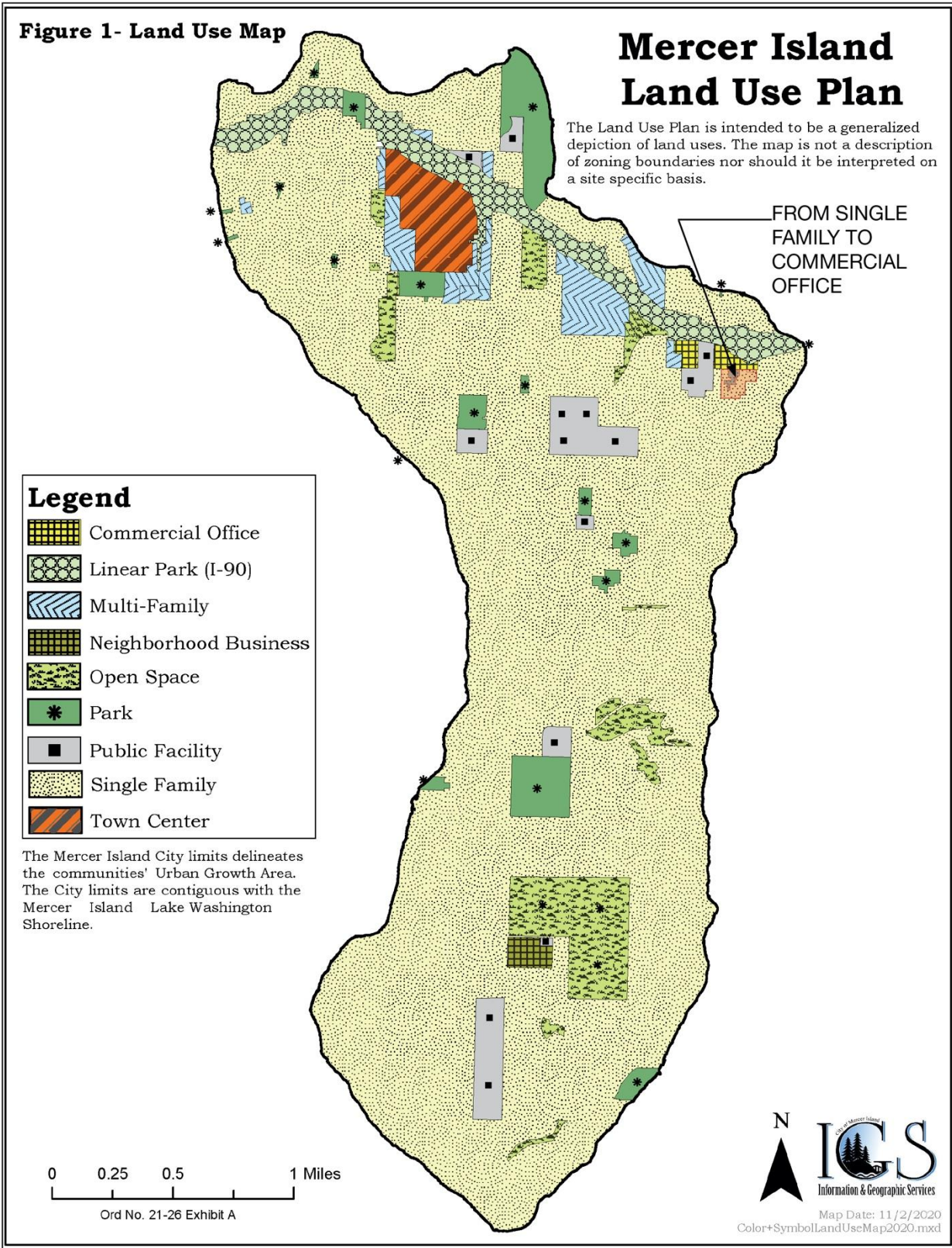


Exhibit B

Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan map change:

The Stroum Jewish Community Center has served Mercer Island residents since opening in 1969. For nearly 55 years, “the J” has welcomed people of every age, culture, and religion to build and amplify profound connection; creating and fortifying community that contributes significantly to the communal fabric of Mercer Island. Today the SJCC reaches nearly 3,000 Mercer Island households throughout the year. On any given day, the J welcomes hundreds of Mercer Island residents, providing year-round early childhood education to over 200 children, afterschool care and recreational programming to dozens of middle schoolers, summer camp to ~450 Mercer Island children, and a series of character-building and fitness offerings for teenagers and young adults. For adults, the SJCC presents daily recreation programs for hundreds exercising individually or in group classes, including about 30 seniors who exercise in AquaFit or Rock Steady Boxing¹, building muscle strength and friendships that endure challenges facing mature adults. Added to that, the J has a community garden, teaches and hosts mahjong and bridge, organizes communal hikes, and provides a series of cultural arts programs in Mercer Island’s only functioning performing arts hall outside of the school district. With 30+ programs a year, SJCC brings feature films, dance, live music, culinary arts programs, and special topics to the entire community on Mercer Island. The SJCC ensures, through private financial support, that these programs are available to everyone, regardless of one’s ability to pay.

As one of the longest-standing institutions on Mercer Island, the SJCC has helped connect and welcome generations of MI families, assuring MI residents—whether they are new or returning to their hometown—feel welcome and supported along life’s journey.

The SJCC has also been one of Mercer Island’s largest employers, with nearly 140 year-round employees and over 215 summer employees. For many, the J is the first job they have, building responsibility and leadership skills, lifesaving skills like CPR, and a sense of purpose and community.

In addition to the Mercer Island residents involved with the SJCC, the J brings people from around the Greater Seattle area that often, in addition to engaging with the J, will spend time and resources on Mercer Island for coffee, grocery shopping, dining, dry cleaning, and shopping at Island Books, Terra Bella, and more.

The J’s vision is to be the Puget Sound’s most open and welcoming community-centered Jewish organization. We lead with community in everything we do, and believe that many of the tightly woven MI bonds have started and been sustained through connections at the Stroum JCC. As a private organization, funded through programming fees and substantial private philanthropy, we are the only private organization on Mercer Island that makes it possible for anyone to

¹ Rock Steady Boxing is supported by the King County Get Active/Stay Active program, and serves people living with Parkinson’s disease.

participate in our activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

A departure from Mercer Island driven by an inability to rebuild facilities would leave a vacuum. People of all ages will have fewer programs to choose from and fewer affordable options for fitness, enrichment, education, entertainment, gardening, and more. With the adoption of HB110 in the State legislature in 2023, the land on which The J is built—nearly eight and a half acres of residential property—could be converted into a housing development of approximately three dozen homes, 50 or more duplexes, and potentially, over 125 quadplexes with one (1) in four (4) being developed as affordable housing. An updated SJCC, on the other hand, would provide more certainty for neighbors and MI, while also mitigating lighting, traffic, and noise issues. ADA accessibility would also ensure people of all capabilities could safely and comfortably navigate the property and facility, and modern technology would assure the J is more environmentally sustainable. With sophisticated landscaping, the J would offer more attractive and low impact vegetation, better integrating the SJCC in its surroundings.

In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and certainty to the surrounding neighborhood, knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan Map change:

- The Comprehensive Plan Map change will align long-standing and ongoing operations with the City's Comprehensive Plan Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The building was constructed in 1969. A new building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south is proposed in the new building. This will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.

2023 Stroum Jewish Community Center Zoning Map Amendment

Thank you for your consideration of our Zoning Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132 from R 8.4 to Commercial Office, and a small portion of 2655500115 from R 9.6 to Commercial Office on the City’s Official Zoning Map.

The proposed map change will allow for a rebuild/renovation of the Stroum Jewish Community Center (“SJCC”). Under the current single-family zone, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability to rebuild and renovate our aging facilities for over six years. In this timeframe, we’ve taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- Facilitating better traffic flow and providing enough safe parking so there is less impact on our neighbors;**
- Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- Ensuring that any changes to the SJCC property through zoning don’t have secondary impacts on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly-situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an invitation was mailed to all addresses within a 1,000-foot radius of the SJCC, emailed to

SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The City’s Zoning Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.240 for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments).

The proposal meets both the docketing criteria and the decision criteria, as follows:

19.15.230.E. *Docketing criteria.* The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the City's Zoning Map, which is a change that can only be addressed through a change of the zoning map.

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger rezone of similarly situated schools and institutions and focuses only on the SJCC site. There is no current work program approved by the City Council that addresses rezone of the SJCC to conform to the historic use of the property.

iv. 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; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population. Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety,

human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for rezone is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO or Public zones and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 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. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 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. *As the City is aware, the current single-family zone has been amended and development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are*

necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC’s auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island’s Heritage. *The SJCC is a piece of Mercer Island’s history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash.> *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO zone reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO zone is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *While the zone of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

19.15.250.C. *Rezone approval criteria.* Decisions to reclassify property shall be consistent with the criteria specified below, stated in MICC 19.15.240.C.

1. The amendment is consistent with policies and provisions of the Mercer Island comprehensive plan.

Yes. The proposal is consistent with the policies and provisions of the Mercer Island Comprehensive Plan, as outlined above.

2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010.

MICC 19.01.010: The general purpose of this Code is to protect and promote health, safety, and the general welfare through the regulation of development within the city of Mercer Island.

To that end, this Code classifies the land within the city into various zones and establishes the use of land and nature of buildings within those zones; controls the form of plats and subdivisions; regulates the construction of commercial and residential structures; and protects critical and sensitive areas within the city.

The provisions of this Code are designed to consider light, air and access; to conserve and protect natural beauty and other natural resources; to provide coordinated development; to avoid traffic congestion; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; and to encourage the use of solar energy practices.

This Code is to be interpreted as a whole, in view of the purpose set out in this section.

If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

Yes. The proposed reclassification would protect and promote and improve the health, safety and general welfare of Mercer Island. See Exhibit B. The reclassification would extend the CO zone.

3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, and this boundary would be extended to the south to include the subject parcels. The provisions of the CO zone create appropriate transitions between zones.

4. The proposed reclassification does not constitute an illegal site-specific rezone;

The proposed reclassification does not constitute an illegal site-specific rezone, often known as an “illegal spot zone.”

Washington law has established several criteria for when an illegal spot zone may be found to exist, none of which are met by the current proposal:

1. A smaller area is singled out of a larger area and given some special treatment. **No. The proposal extends the CO zone and does not change the specific CO zone criteria.**

2. The classification or use allowed in the smaller area is totally different from and inconsistent with the classification of surrounding land so as to disturb the tenor of the neighborhood and create an inconsistency or conflict of use with the uses allowed in the surrounding area. **No. The SJCC use is already established on the site and will continue. The extension of the CO zone over the site simply allows for the rebuilding of the SJCC under the code. The CO zone’s setbacks and development regulations ensure there is no inconsistency or conflict of use with the single family uses already adjacent to the SJCC.**

3. The action necessary to create the smaller area is taken for the private gain of one person or group of persons rather than for the general welfare of the community as a whole. **No. See above. The SJCC benefits the welfare of the community as a whole.**

4. The action taken is not in accordance with the comprehensive plan. **We agree that the comprehensive plan would need to be amended (either concurrently or prior to the rezone being adopted) in order for the rezone to occur. We have submitted a comprehensive plan amendment application concurrently with this rezone application for the city’s consideration.**

McNaughton v. Boeing, 68 Wn.2d 659, P.2d 778 (1966). In addition, the *McNaughton* case also determined that a City may impose conditions, either unilaterally or by contract in connection with a zoning amendment

5. The proposed reclassification is compatible with surrounding zones and land uses;

Yes. The CO zone is compatible and allows for compatible uses with the B, CO, P, and R 8.6 and R-9.6 zones, all adjacent or nearby the site. The CO zone includes development regulations ensuring compatibility, including limitation of uses, increased setbacks, and height limits.

6. The proposed reclassification does not adversely affect public health, safety, and welfare; and

The proposed reclassification will not adversely impact the public health, safety or welfare. See Exhibit B.

7. If a comprehensive plan amendment is required in order to satisfy subsection C1 of this section, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.

Agreed. The rezone would not occur unless and until the comprehensive plan map amendment redesignating the property to CO is adopted.

19.15.250.D. *Development code amendment decision criteria.* The city may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and

Yes. See above. The zoning map change is consistent with the comprehensive plan.

2. The amendment bears a substantial relation to the public health, safety, or welfare; and

Yes. See above. The amendment benefits public health, safety, and welfare.

3. The amendment is in the best interest of the community as a whole.

Yes. See Exhibit B as well as the application above. A rezone of property allowing the SJCC to be renovated would allow the SJCC to remain on Mercer Island, which is beneficial of the Mercer Island community as a whole.

Exhibit A Zoning Map Change

ArcGIS Web Map

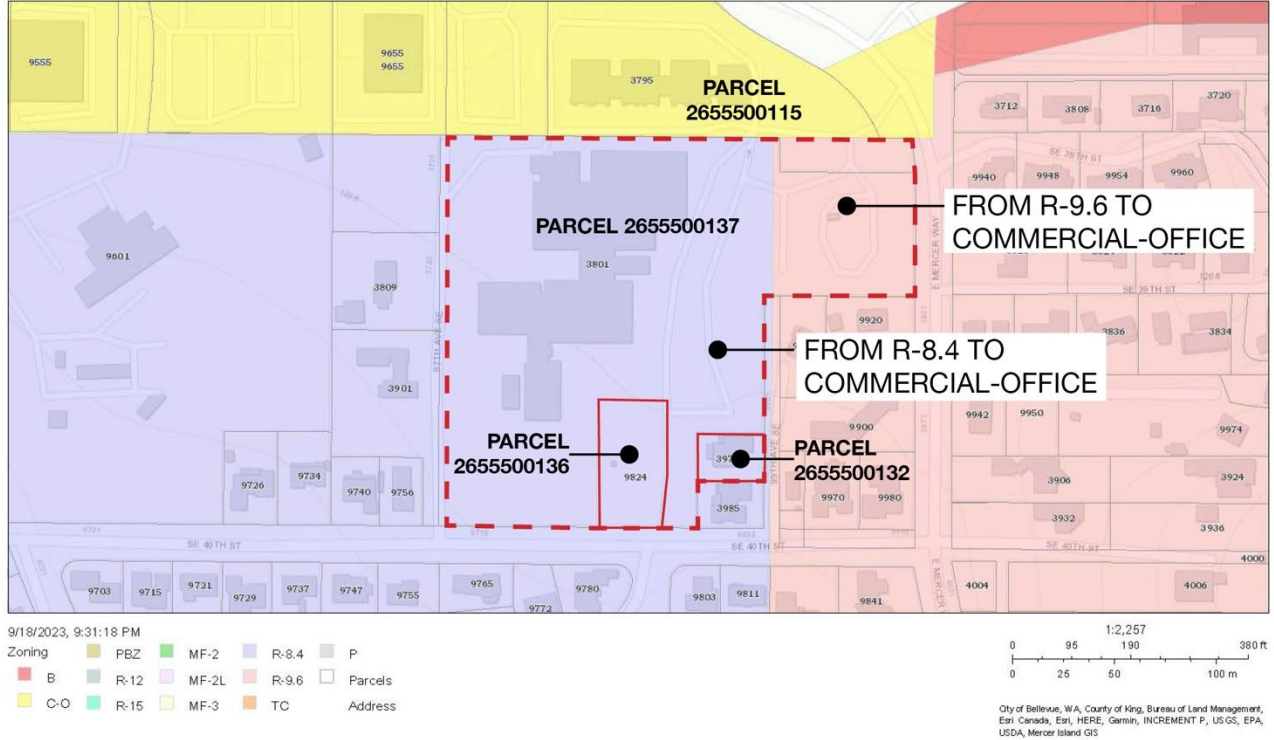


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The J’s vision is to be the Puget Sound’s most open and welcoming community-centered Jewish organization. SJCC leads with community in everything they do, and believes that many of the tightly woven MI bonds have started and been sustained through connections at the Stroum JCC. As a private organization, funded through programming fees and substantial private philanthropy, SJCC is the only private organization on Mercer Island that makes it possible for

¹ Rock Steady Boxing is supported by the King County Get Active/Stay Active program and serves people living with Parkinson’s disease.

anyone to participate in their activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

A departure from Mercer Island, driven by an inability to rebuild facilities, would leave a vacuum. People of all ages would have fewer programs to choose from and fewer affordable options for fitness, enrichment, education, entertainment, gardening, and more. With the adoption of HB110 in the State legislature in 2023, the land on which The J is built—nearly eight and a half acres of residential property—could be converted into a housing development of approximately three dozen homes, 50 or more duplexes, and potentially, over 125 quadplexes with one (1) in four (4) being developed as affordable housing. An updated SJCC, on the other hand, would provide more certainty for neighbors and MI, while also mitigating lighting, traffic, and noise issues. Improved ADA accessibility would ensure people of all capabilities could safely and comfortably navigate the property and facility, and modern technology would assure the J is more environmentally sustainable. With sophisticated landscaping, the J would offer more attractive and low impact vegetation, better integrating the SJCC in its surroundings.

In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and the surrounding neighborhood, providing the certainty of knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Zoning Map Change

There are several benefits to the Zoning Map change:

- The Zoning Map change will align long-standing and ongoing operations with the City's Zoning Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The buildings were constructed in 1969 and 1980. A new and renovated building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south. The proposed setbacks will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.