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Sent: Tuesday, August 4, 2026 4:10 PM
To: Planning Commission
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Subject: SUBJECT: Public Comment RE CPA25-002, RZN25-002, SEP25-021

Public Comment | CPA25-002, RZN25-002, SEP25-021

PUBLIC COMMENT

CPA25-002, RZN25-002, AND SEP25-021

Comprehensive Plan Amendment and Rezone Application

Submitted to	Mercer Island Planning Commission and City Council
Submitted by	Jim Horgdal
Address	4464 E Mercer Way, Mercer Island, WA 98040
Date	August 4, 2026

Requested action: Deny the application as presently submitted, or defer action until complete impact analysis and enforceable development limitations are provided.

Mercer Island Comprehensive Plan Amendment and Rezone

Public Comment | CPA25-002, RZN25-002, SEP25-021

Executive Summary

The proposed comprehensive plan amendment and rezone should be denied because the applicant has not demonstrated compliance with the applicable decision criteria under MICC 19.15.230.F or the City's rezone criteria.

The central issue is not whether the Stroum Jewish Community Center currently provides valued programs. The issue is whether the requested Commercial Office land-use designation and zoning classification are appropriate for this property and compatible with the surrounding residential neighborhood.

A comprehensive plan designation and zoning classification attach to the land. They are not limited to the present owner, present operator, existing building, or current programs. The proposed amendment is not tied to a specific development proposal, does not guarantee continuation of the present community-center use, and does not impose binding limits on future building area, access, traffic generation, hours of operation, parking demand, ownership, or programming.

The applicant's narrative relies heavily on the SJCC's current operations and stated intention to continue serving as a community facility. Those representations do not define the legal effect of Commercial Office zoning. Nothing in the proposed designation would require continuation of early-childhood education, scholarships, cultural programming, recreation, swim lessons, community-garden activities, or other current services. Nor would it prevent a future owner or operator from pursuing a materially different use permitted under the Commercial Office designation.

The existing record also lacks sufficient analysis of:

Compatibility with residential properties on three sides of the site;

The form, bulk, scale and intensity permitted by Commercial Office zoning;

Traffic, parking, pedestrian, bicycle and emergency-access impacts;

The effect of the redesignation on the assumptions underlying the City's Transportation Element;

The practical development capacity of the site after application of all development standards;

The treatment of residential parcels included within or adjoining the requested rezone;

The effect of removing residentially designated property from the City's land-use inventory; and
Less intensive alternatives, including a Public Institution designation, community-facility overlay, tailored code amendment or binding development agreement.

The City should deny the application as presently submitted. Alternatively, the City should defer action until the applicant provides a complete Traffic Impact Analysis, a realistic development-capacity analysis, a comprehensive compatibility analysis, and enforceable restrictions aligning the requested entitlement with the applicant's stated objective of continuing a community-facility use.

I. Comprehensive Plan Amendment Criteria

Criterion 1: Consistency with the Growth Management Act, Countywide Planning Policies, Comprehensive Plan and City Policies

MICC 19.15.230.F places the burden on the applicant to demonstrate that the proposed comprehensive plan amendment complies with all applicable regulations and decision criteria. The present application does not satisfy that burden.

A. The application relies on the current operator rather than the legal effect of the proposed designation

The applicant repeatedly relies on the SJCC's current programs, current ownership, existing building and present level of activity. Those considerations do not determine the legal effect of the requested amendment.

The proposed Commercial Office designation would run with the land. It would remain in effect following a sale, change of operator, change in programming or change in institutional mission. Nothing in the proposal requires continuation of the current community-center use or limits future development to the existing building footprint and intensity.

The City must therefore evaluate the uses, scale and intensity reasonably permitted under the proposed Commercial Office designation—not solely the applicant's present intentions.

The applicant's statement that no change of use is presently proposed does not resolve this issue. No concurrent development proposal has been submitted, and no enforceable mechanism would prevent future development materially different from the applicant's current concept.

B. The absence of binding development restrictions is material

The applicant has not proposed a development agreement or comparable binding mechanism that would:

Restrict the property to community-facility or institutional uses;

Limit gross floor area, height, bulk or impervious surface;

Preserve buffers adjacent to residential properties;

Restrict access from residential streets;

Establish parking and transportation requirements;

Limit hours of operation;

Require specific traffic mitigation; or

Bind future owners and operators.

A development agreement could align the legal entitlement with the applicant's stated objective by restricting permitted uses, capping building area, establishing access locations and requiring transportation mitigation. The absence of such restrictions leaves open uses and intensities materially different from those relied upon in the application.

If the applicant seeks only to modernize and continue the existing community-facility use, enforceable restrictions should be considered before granting unrestricted Commercial Office zoning.

C. The proposed amendment may create substantial additional development capacity

The existing SJCC building is identified in the record as approximately 88,362 square feet. Elsewhere, the record refers to a 94,723-square-foot baseline and an estimated Commercial Office buildout capacity of approximately 402,261 square feet. These figures should be reconciled and clearly explained before any decision is made.

Measure	Square footage
Existing SJCC building	88,362
Alternative baseline cited in record	94,723
Estimated Commercial Office capacity	402,261

Using the 94,723-square-foot baseline, 402,261 square feet would be approximately 4.25 times the current baseline, representing an increase of approximately 325 percent.

Using the 88,362-square-foot existing-building figure, 402,261 square feet would be approximately 4.55 times the existing building area, representing an increase of approximately 355 percent.

The City should require the applicant to identify:

What is included in each baseline;

Whether the 402,261-square-foot figure represents theoretical or practical development capacity;

Whether the calculation accounts for setbacks, parking, access, stormwater, impervious-surface limits, topography and other development standards;

Whether the FASPS building is included or excluded; and

Whether all parcels included in the application can practically accommodate Commercial Office development.

Even if the theoretical maximum cannot be fully realized, the proposed designation would materially increase the legally permissible scale and intensity of development.

D. The application does not adequately address neighborhood character

Comprehensive Plan Land Use Goal 7.1 directs the City to preserve neighborhood character in residential zones and defines neighborhood character in terms of the form, bulk, scale and intensity of the built environment.

The application does not adequately analyze what Commercial Office development could look like next to single-family residential zoning on three sides. The fact that future construction would be required to comply with Commercial Office development standards does not, by itself, establish compatibility. Code compliance and land-use compatibility are separate questions.

The analysis should address:

Building form and bulk;

Height and massing;

Setbacks and buffers;

Lighting;

Noise;

Hours of operation;

Parking demand;

Traffic intensity;

Access locations; and

The cumulative effect of development reasonably permitted under Commercial Office zoning.

A potential increase of several times the existing building area is directly relevant to neighborhood character as defined by the Comprehensive Plan.

E. The application does not establish consistency with the Transportation Element

The Transportation Element is based on land-use assumptions reflected in the Comprehensive Plan Land Use Map.

A redesignation that materially increases potential development intensity changes those assumptions.

The application and staff report do not demonstrate whether the proposed amendment has been evaluated against:

Existing travel-demand forecasts;

Intersection level-of-service standards;

Planned transportation improvements;

Pedestrian and bicycle conditions;

Parking demand and neighborhood spillover;

Emergency access;

School-related traffic;

Capital-facilities planning; and

Transportation mitigation necessary under foreseeable development scenarios.

Before approving the amendment, the City should determine whether the Transportation Element remains internally consistent with the amended land-use assumptions.

F. Parking and transportation impacts remain unresolved

Transportation Goal 9.2 calls for addressing parking overflow caused by major traffic generators such as schools, businesses and parks.

Neighbors have identified existing concerns involving:

Parking along East Mercer Way;

Vehicles obstructing or encroaching on bicycle and pedestrian areas;

Parking on SE 40th Street;

Vehicles blocking or affecting residential driveways; and

Traffic using nearby residential streets.

The application does not provide a specific plan for addressing these impacts under the increased intensity potentially permitted by Commercial Office zoning.

G. The application does not adequately evaluate alternative designations

The application does not meaningfully analyze whether a Public Institution designation, PBZ designation, community-facility overlay, tailored institutional zone or development agreement would better address the applicant's modernization needs while protecting the surrounding residential neighborhood.

The applicant bears the burden of demonstrating that the proposed Commercial Office designation is appropriate. The absence of a meaningful alternatives analysis leaves an important policy question unresolved.

Criterion 1A: Technical Error

The applicant reportedly concedes that the existing designation is not the result of a technical mapping or drafting error. This criterion therefore does not support approval of the proposed amendment.

Criterion 1B: Changed Circumstances Affecting the City as a Whole

The applicant has not demonstrated changed circumstances affecting the City as a whole.

The applicant initially relied on changes to residential development standards adopted in 2017. The staff report reportedly rejected that premise, explaining that those standards reflected policy decisions of the City Council rather than changed circumstances satisfying this criterion. The staff report also concluded that the applicable code continues to allow certain exterior alterations or enlargements of nonconforming non-single-family structures, subject to the applicable assessed-value threshold.

The staff report instead suggested that the relevant circumstances may be increased demand for the facility and the age or condition of the existing building. The present record, however, does not appear to contain:

Membership trend data;

Enrollment figures;

Waitlist information;

Utilization studies;

Demographic demand analysis;

A facility-condition assessment;

A structural evaluation;

A building-systems assessment; or

A cost-to-cure estimate.

A general statement that Mercer Island's population has increased since the facility was built does not, without additional analysis, establish a need for the level of development capacity potentially created by the proposed amendment.

More fundamentally, increased demand at one institution and the age of one facility concern the circumstances of a particular property or operator. They do not, without broader evidence, demonstrate changed circumstances affecting Mercer Island as a whole.

If the City determines that its regulations inadequately address modernization of community institutions generally, the more appropriate solution would be a citywide code amendment, community-facility overlay or tailored institutional designation applicable to similarly situated facilities. Comprehensive Plan Land Use Goal 7.4 expressly contemplates measures within the land-use code addressing maintenance, updating and renovation of these facilities.

The applicant bears the burden of proof. Any approval based on a rationale materially different from the applicant's stated rationale should be supported by substantial evidence in the record and should provide the public with a meaningful opportunity to respond.

Criterion 2(a): Compatibility with Adjacent Land Uses and Development Pattern

A. Existing facilities are not the same as the proposed zoning entitlement

The staff report reportedly refers to nearby residential and commercial buildings and concludes that they align with the existing SJCC facilities. That analysis addresses the existing development, not the broader range of development permitted by the proposed amendment.

The amendment is not limited to the existing facility. It would authorize a Commercial Office designation adjoining residentially zoned property on three sides. A compatibility analysis should therefore evaluate the foreseeable scale, intensity, hours, traffic, parking, lighting, noise and access associated with uses reasonably permitted under the proposed designation.

Deferring those questions to a future project review does not answer whether Commercial Office zoning itself is compatible with this location.

B. The resulting zoning boundary requires further analysis

The amendment would leave residentially designated parcels bordered or partially surrounded by Commercial Office and Public Institution designations.

The staff report should analyze whether the resulting boundary:

Creates an orderly and logical transition between zoning districts;

Leaves viable residential areas;

Follows identifiable streets, natural features or established district boundaries;

Treats similarly situated parcels consistently;

Advances a public land-use purpose independent of current ownership; and

Creates isolated or remnant residential parcels.

The present record does not adequately address whether the City would independently select this zoning boundary based on sound planning principles rather than the applicant's parcel ownership.

Criterion 2(b): Suitability for Development Under the Potential Zoning

The record raises substantial questions about whether all parcels included in the application are practically suitable for development under Commercial Office standards.

The staff report reportedly found that parcel 265550-0132 would have an extremely limited building envelope after application of Commercial Office setbacks. Parcel 265550-0137 may also have a constrained development envelope.

The City should calculate and disclose the practical development envelope for every parcel included in the application.

The City should also evaluate whether rezoning parcels with access to SE 40th Street would direct institutional or commercial traffic onto a residential street.

Parcel 265550-0132 currently contains a single-family residence and reportedly has not historically been used as part of the community facility. Parcel 265550-0136 also previously contained a single-family residence and reportedly is not included within the existing Conditional Use Permit.

The City should determine:

Whether these parcels should be included in the amendment;

Whether their inclusion creates a logical zoning boundary;

Whether they are functionally integrated with the existing institutional use;

Whether Commercial Office zoning is suitable for each parcel; and

Whether their inclusion would create new access or traffic impacts on residential streets.

Criterion 2(c): Community-Wide Benefit and No Adverse Effect on Public Health, Safety and Welfare

This criterion separately requires a benefit to the community as a whole and the absence of adverse effects on community facilities, public health, safety and general welfare. The City should make distinct findings on both requirements rather than treating general community benefits as a substitute for evaluating potential adverse effects.

A. Operational benefits must be distinguished from zoning consequences

The applicant describes benefits associated with the SJCC's current programs. Those benefits may be meaningful, but they do not by themselves establish that unrestricted Commercial Office zoning is appropriate.

The City should distinguish:

Benefits provided by the current operator;

Benefits secured through enforceable land-use conditions; and

Development rights that would remain after a change in ownership, use or programming.

Any public benefit relied upon in approving the amendment should be supported by enforceable restrictions ensuring that the benefit continues for the life of the entitlement.

B. Residential-street access requires further review

A conceptual rendering reportedly appears to show two curb cuts connecting to 97th Avenue SE.

The City should clarify whether those access points are contemplated. If so, their impacts on 97th Avenue SE and SE 40th Street should be analyzed before any action is taken. These streets serve a residential area, and the traffic and safety implications of directing additional institutional or commercial traffic to them have not been adequately evaluated.

C. The trip-generation figures require a complete explanation

The applicant's Trip Generation Memo reportedly identifies a potential increase from approximately 245 hourly trips to approximately 1,376 hourly trips.

That would represent an increase of approximately 1,131 trips per hour, or approximately 462 percent above the stated baseline.

Before relying on these figures, the City should require clarification of:

Whether the figures represent peak-hour or total traffic;

Whether the scenario assumes office development, community-facility development or maximum zoning capacity;

How existing SJCC and FASPS traffic were separated;

Whether the FASPS building and operations are included in future conditions;

Whether nearby school traffic is included; and

Whether the figures account for realistic site constraints.

Because the SJCC and FASPS share a driveway, the memorandum should explain how observed trips were allocated between the facilities. Without that information, the record does not establish whether the existing SJCC baseline is overstated, understated or otherwise affected by FASPS traffic.

D. A full Traffic Impact Analysis is needed

The City reportedly required a Traffic Impact Analysis, but the applicant submitted a Trip Generation Memo.

A full Traffic Impact Analysis should address:

Existing and future weekday and weekend traffic;

AM and PM peak-hour conditions;

SJCC and FASPS traffic separately and cumulatively;

Nearby school traffic;

Intersection level of service;

Vehicle queuing;

Access from East Mercer Way, SE 40th Street and 97th Avenue SE;

Sight distance and driveway safety;

Collision history;

Pedestrian and bicycle conditions;

Parking demand and neighborhood spillover;

Emergency-vehicle access;

Construction traffic;

Impacts on I-90 and the state transportation system, where applicable; and

Reasonable development scenarios permitted under Commercial Office zoning.

A trip-generation memorandum alone does not provide sufficient information to make the required compatibility and public-safety findings.

II. Rezone Criteria

Rezone Criterion 1: Consistency with the Mercer Island Comprehensive Plan

The proposed reclassification has not been shown to be consistent with the policies and provisions of the Mercer Island Comprehensive Plan.

The applicant relies primarily on the existing community-center use and current building. The rezone, however, is not tied to the existing use, a specific project or enforceable development limitations. It would authorize Commercial Office zoning regardless of whether the property continues to operate as a community facility.

The City should evaluate the full scope of development reasonably permitted by the proposed classification.

The record should also address the scale of the proposed zoning in the context of Mercer Island's existing commercial development. The application materials reportedly indicate that the potential building capacity would be unusually large relative to existing office development on Mercer Island. Those comparisons should be independently verified and evaluated as part of the compatibility analysis.

The amendment would also remove residentially designated land from the City's land-use inventory. Before approval, the staff report should identify:

Whether the affected parcels contribute to planned housing capacity;

Whether the redesignation affects compliance with countywide housing allocations;

Whether replacement residential capacity would be necessary; and

How the amendment is consistent with the Housing Element and applicable countywide planning policies.

The present record does not appear to contain that analysis.

Rezone Criterion 2: Consistency with MICC 19.01.010

The proposal has not been shown to satisfy the code purposes involving traffic congestion, public safety, natural character and overcrowding.

The traffic concerns include the potential increase identified in the applicant's Trip Generation Memo, uncertainty regarding the allocation of FASPS traffic, the absence of a full Traffic Impact Analysis, proposed increases in parking capacity and possible new access points connecting with residential streets.

The application also does not adequately evaluate the environmental and neighborhood effects of substantially increased development intensity, including:

Impervious surface;

Tree and vegetation removal;

Stormwater;

Noise;

Lighting;

Building mass;

Parking;

Traffic; and

Effects on adjoining residential properties.

The applicant's reliance on the existing use does not establish that the broader Commercial Office entitlement satisfies these criteria.

Rezone Criterion 3: Extension of an Existing Zone or Logical Transition Between Zones

The proposed rezone has not been shown to create a logical extension or transition between zoning districts.

The subject property is bordered by residential zoning on three sides and Commercial Office zoning on one side.

The amendment would create a Commercial Office area extending into a predominantly residential setting.

It may also leave residential parcels to the west bordered by Commercial Office and Public Institution designations and create irregular zoning boundaries.

The City should analyze whether the resulting boundary:

Represents an orderly extension of an existing district;

Creates a logical transition in intensity;

Leaves isolated or remnant residential parcels;

Follows recognizable planning boundaries;

Treats similarly situated properties consistently; and

Would be selected independently of the applicant's ownership pattern.

The zoning map used in the application should also be reviewed and updated if it does not reflect current zoning conditions.

Rezone Criterion 4: Site-Specific Rezone and Public Benefit

The proposal raises substantial concerns associated with unlawful spot zoning because it would confer a different and potentially more intensive classification on property assembled by one owner while surrounding properties remain residentially designated.

A private benefit does not necessarily invalidate a rezone. The City must, however, establish that the proposal:

Serves a legitimate public land-use purpose;

Is consistent with the Comprehensive Plan;

Treats similarly situated properties consistently;

Does not confer an unjustified special privilege; and

Does not create material detriment to surrounding properties.

The present record does not adequately establish that the benefits associated with the current operator would be secured following a future change in ownership or use.

The application should be evaluated according to the rights created by Commercial Office zoning, not the applicant's nonprofit status, present membership, current programs or existing lease arrangements.

The applicant acquired parcels 265550-0136 and 265550-0132 after the original community facility was established. Parcel 265550-0132 currently contains a single-family residence, and both parcels reportedly fall outside portions of the existing Conditional Use Permit.

The relevant question is not why those parcels were acquired. The relevant questions are:

Whether their inclusion serves a coherent public planning purpose;

Whether they are suitable for Commercial Office zoning;

Whether they create an orderly zoning boundary;

Whether they direct traffic onto residential streets; and
Whether similarly situated residential parcels are treated consistently.

Rezone Criterion 5: Compatibility with Surrounding Zones and Land Uses

Commercial Office zoning has not been shown to be compatible with single-family residential zoning bordering the property on three sides.

The compatibility analysis should not be limited to the existing SJCC building. It should evaluate the full range of reasonably foreseeable development under Commercial Office zoning.

That analysis should include:

Form, bulk and scale;

Height and massing;

Setbacks and buffers;

Lighting;

Noise;

Hours of operation;

Parking demand;

Traffic generation;

Residential-street access;

Pedestrian and bicycle safety; and

The cumulative intensity of development.

The proposed amendment may also create irregular zoning boundaries and residential parcels bordered by Commercial Office and Public Institution designations.

Without a project-specific proposal or binding development restrictions, the City cannot determine compatibility solely from the applicant's current operations or illustrative concepts.

Rezone Criterion 6: No Adverse Effect on Public Health, Safety and Welfare

The record does not presently establish that the proposed reclassification would avoid adverse effects on public health, safety and welfare.

Relevant unresolved issues include:

The substantial increase in potential building area;

Possible access from 97th Avenue SE and SE 40th Street;

Increased traffic and parking demand;

Neighborhood parking spillover;

Pedestrian and bicycle safety;

Shared-driveway traffic involving FASPS;

Nearby school traffic;

Intersection and queuing impacts;

Emergency access;

Construction traffic; and

The absence of a complete Traffic Impact Analysis.

The applicant's memorandum reportedly identifies a potential increase from approximately 245 hourly trips to approximately 1,376 hourly trips. That potential increase requires detailed analysis before the City can make a finding that the rezone would not adversely affect public safety and welfare.

The City should not defer all of these issues to a future project review. The present decision would determine whether Commercial Office zoning is appropriate for the site. The City therefore needs enough information now to understand the reasonably foreseeable consequences of that designation.

III. More Appropriate Alternatives

Denial of the current application would not prevent the City from considering reasonable modernization of the SJCC facility.

Potential alternatives include:

A community-facility overlay applicable to similarly situated institutions;

A tailored Public Institution or institutional designation;

A citywide code amendment addressing nonconforming community facilities;

A parcel-specific development agreement containing enforceable limitations;

Exclusion of residential parcels that are not functionally part of the existing facility;

A smaller or more carefully defined land-use amendment;

Restrictions on floor area, height, access, hours, parking and permitted uses; and
Required transportation and neighborhood mitigation.

These alternatives would allow the City to address legitimate modernization needs without granting a broader Commercial Office entitlement untethered to the use and public benefits relied upon by the applicant.

IV. Requested Action

For the foregoing reasons, the applicant has not met its burden of demonstrating compliance with the applicable comprehensive plan amendment and rezone criteria.

The City should deny CPA25-002, RZN25-002 and SEP25-021 as presently submitted.

At minimum, the City should defer action until:

A complete Traffic Impact Analysis has been prepared;

Existing and future SJCC and FASPS traffic have been separately and cumulatively analyzed;

The potential access points on 97th Avenue SE and SE 40th Street have been clarified and evaluated;

Development capacity has been calculated using realistic site constraints;

The differing square-footage baselines in the record have been reconciled;

Compatibility with surrounding residential properties has been fully analyzed;

The effect on the Transportation Element and housing capacity has been addressed;

The suitability of each parcel included in the amendment has been established;

Alternative community-facility or institutional zoning approaches have been evaluated; and

The applicant has proposed enforceable limitations through a development agreement or comparable mechanism.

Mercer Island is primarily a residential community. Its community institutions are also important. A carefully tailored solution can recognize both values.

The present application does not achieve that balance because it requests a permanent Commercial Office entitlement without a specific project, adequate impact analysis or binding limitations ensuring that future development remains consistent with the applicant's stated community-facility purpose.

Respectfully submitted,

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Mercer Island Comprehensive Plan Amendment and Rezone

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Best regards, Jim

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