

February 10, 2026

City of Mercer Island

Community Planning & Development

9611 SE 36th Street

Mercer Island, WA 98040

Re: RZN25-002; CPA25-002; SEP25-021

Response to Review Letter 1, 3801 E. Mercer Way

Dear Molly:

Thank you for your review letter. The following are our responses to your comments:

Rezone (RZN25-002)

1. Traffic impacts should be analyzed for the change in allowed uses as a result of the proposed rezone. While City staff understand that the property is not anticipating a change in use in the foreseeable future, the rezone could result in future traffic impacts from the highest intensity use that could be allowed. **Please provide a memorandum or report from a qualified professional to speak to the traffic impacts that would result from the proposed changes to the allowed uses. Consider comparing the trip generation for the highest possible generating uses and the existing use from the ITE Manual.**

Response: Please see the attached memorandum from the Transpo Group outlining the traffic impacts from the highest possible generating use that could result from the proposed rezone, as compared with the existing use, using the ITE Manual. As you mentioned above, no change of use is proposed; this rezone is specifically being proposed for the use of the SJCC only. No addition of traffic trips would actually occur as a result of the proposed rezone, which as stated is a non-project action.

2. Many of the criteria compliance narrative responses reference the existing use of the property and the redevelopment as a community benefit; however, the existing use and proposed redevelopment of the property should be separated from the proposed rezone. **The criteria compliance narrative should be adjusted to demonstrate that the proposed rezone on its own complies with the criteria in MICC 19.15.240.**

Response: Thank you for this comment. We have adjusted some of the responses, however, it must be pointed out that the current use and the proposed use of the property, which are the same, are inextricably linked to the rezone request. We are rezoning the property out of necessity to continue the use as the SJCC, and to be able to effectively remodel and refresh the

property under an appropriate zoning designation. The rezone request is consistent with the criteria in part due to the use and future use of the property. Zoning is ultimately about the use and regulation of one's property, so it's unclear how a concept like a rezone can be analyzed without discussion regarding the property's current and intended use. For example, most of the comprehensive plan policies related to land use discuss the actual uses of property. As stated elsewhere in the documents, the SJCC is currently out of alignment with the single family zoning designation, which has morphed over the years. We seek to align the use of the property with the now-more-appropriate comprehensive plan and zoning designation for the use and the property. Like City Hall, buildings need updates and we currently have no path under the single family zone to upgrade and refresh the property for safety, health, functionality, sustainability, and the needs of members and users.

It is worth mentioning that the application and staff report for the City Hall parcel rezone also focused heavily on the existing and proposed use of the City Hall property; this staff report was reviewed by the applicant team as a model for this application. We trust that the City staff will review this application with the same eyes that it reviewed its own application for a rezone on almost the exact same grounds and reasoning. The staff report for the City's rezone can be found here: <https://permitbulletin.mercerisland.gov/public/RZN25-001/Staff%20Report%2011192025/rzn25-001%20staff%20report%20w%20exhibits%2011192025.pdf>

Comprehensive Plan Amendment (CPA25-002)

3. Criteria compliance narrative response to MICC 19.15.230(F)(1): **Please clarify what you mean by the amendment creating an “internally consistent” Comprehensive Plan.** Is there an existing inconsistency?

Response: The change to CO is consistent with the Comprehensive Plan. As stated in the response document, GMA requires an “internally consistent” Comprehensive Plan. The change to CO retains an “internally consistent” Comprehensive Plan, as required by GMA.

4. Criteria compliance narrative response to MICC 19.15.230(F)(1)(b): The changing circumstances of the City as a whole is described as the changes to the Residential Development Standards in 2017 resulting in the existing building becoming nonconforming. This was a policy decision that the City made and is not considered “changing circumstances of the city as a whole” that needs to be addressed through an amendment to the Comprehensive Plan. A change in circumstance would be something along the lines of population changes resulting in an increased demand of a facility that is at the end of its useful life and that cannot be accommodated under the existing nonconforming code. **Please revise the response to this**

criterion to address changing circumstances of the city as a whole that must be addressed through a Comprehensive Plan Amendment.

Response: To be clear, a primary reason the SJCC is forced to ask for this Comprehensive Plan Amendment and Rezone is because of the City's actions to limit the amount of gross floor area and impervious surfaces permitted in single family zones, and to issue a formal interpretation that a variance could not be sought should a facility like the SJCC need to remodel or reconfigure in a way that triggered compliance with the City's more strict standards. This action absolutely did force the SJCC into seeking a zoning designation that is more consistent with the existing, proposed and desired use. Neither the MICC, nor GMA, nor any other zoning case law, state that changing regulations of the City cannot be considered a changed circumstance of the City as a whole—indeed, this action to limit GFA and impervious surfaces, without variance, is applicable to most of the City's zoning, as it is mostly R zoning. As stated above, it is the single family zoning regulations that have changed over the years that have forced us into seeking a redesignation to CO. This, along with strict interpretation of the code that prohibits remodeling of a community facility, are the reasons we are seeking these amendments.

Additionally, the population of Mercer Island has grown over 20% since the JCC was built in 1969, the region's population has tripled, light rail and other public transportation is shifting regional dynamics, and the overall demography of this region has evolved dramatically.

Given these and other factors, we have revised our document to add additional detail to this criterion. In addition to the changed circumstances that have occurred due to City action, we have also identified changed circumstances like an aging building that must be replaced and remodeled, need to accommodate members and users—very similar to the reasons given as changed circumstances for the City Hall rezone.

5. **Please refer to Item 2.** The same comment applies to the criteria compliance narrative responses for the CPA.

Response: Please see our response to Item 2. Some revisions have been made to the document.

SEPA Checklist (SEP25-021)

6. The SEPA Checklist was prepared for a Nonproject Action; however, many of the responses in both the criteria compliance narratives for the Rezone and Comprehensive Plan Amendment and the SEPA Checklist refer to the redevelopment of the property through the allowance of the rezone. **Please adjust the responses in the SEPA Checklist to reflect the Nonproject Action nature of the proposal.**

Response. We have revised.

7. SEPA Checklist Section 14: Transportation a. **Please refer to Item 1.** The same comment applies to the responses to the transportation section in the SEPA Checklist.

Response: We have revised and attached a memorandum from the Transpo Group.

8. SEPA Checklist Supplemental Sheet for Nonproject Actions a. **Again, the responses in this section should address the changes in the allowed uses resulting from the rezone, even though the future plans for the property do not include a change in use.** This does not mean that a change in use is not a possibility and these impacts must be addressed through this application.

Response: Thank you for acknowledging that there is no intention to change the use of the property and the sole purpose of this redesignation / rezone is to maintain the property as its current use. We have slightly modified the non-project responses to reflect the uses that could be permitted under the CO zone, though there is no impact from the redesignation or the rezone itself, because it is not associated with a project-specific action. As stated in the SEPA checklist, the City's existing codes and policies mitigate any potential impact that could occur as a result of the redesignation/rezone itself.