



August 8, 2025

Anjali Grant Design
Attn: Anjali Grant
3427 Beacon Ave S
Seattle, WA 98144
Via: Email

RE: **DSR25-009** Review Letter 1; 3700 E Mercer Way, Mercer Island, WA 98040

Dear Anjali Grant,

The City of Mercer Island Community Planning and Development Department has completed a review for compliance with the zoning code, Title 19 of the Mercer Island City Code (MICC) for the above Design Standard Review application. The following issues need to be addressed in your resubmission:

1. MICC 19.04.040(B)(2) requires all traffic control devices to be installed as shown on the approved plans. **Please include these plans as part of a vehicular and pedestrian circulation plan.**
2. MICC 19.04.040(B)(3) requires the parking lot to be designed to the standards in Appendix A MICC. The parking lot is existing, however it will be completely repaved and restriped to accommodate required parking spaces, emergency access, vehicular circulation for pick-up and drop-off, bus access, and pedestrian access, which requires compliance with Appendix A. **Please demonstrate compliance with Appendix A.**
3. MICC 19.04.040(E) allows for cooperative parking between two or more adjoining property owners; provided the code official, with approval from the design commission (now Hearing Examiner) and city engineer, may reduce the total required spaces by 25 percent of the total combined required spaces when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls. Additionally, CUP24-001 Condition of Approval 6 requires the applicant to provide documentation demonstrating that the reduction in parking spaces will not have adverse impacts. **Please provide this documentation.**
4. MICC 19.04.050(B)(26)(b) requires all outdoor play areas for the preschool to be adequately fenced. The plans show an area to the west of the proposed building that looks like it could be a play area. **Please confirm the use of this area and, if it is intended to be a play area for the preschool, show adequate fencing is included in the plans.**

5. CUP24-001 contains two conditions of approval to address fence height and location:

Condition 9: The six-foot-tall fence proposed within the access easement on 151560TRCT is not allowed pursuant to MICC 19.02.020(H)(1), unless the applicant provides documentation that improvements are authorized within the easement.

Condition 10: The six-foot-tall fence proposed within the front yard setback of parcel number 2107000010 shall be relocated to be outside of the required 20-foot front yard, or reduced to 42 inches (3.5 feet) in height, as required by MICC 19.02.050(E)(1)(a)(ii).

Please demonstrate compliance with the above conditions.

6. The arborist report and Tree Inventory Worksheet on Sheet L-103 contain different counts for removed and replaced trees. The arborist report identifies 134 trees on-site. Of those trees, I have identified 7 trees that are dead and/or not regulated due to size, so for the purposes of our review, there are 127 trees on-site. Based on my calculations, 65 of these regulated trees are proposed to be removed. Nearly all of these trees are Grove trees, which are considered Exceptional and require 6 replacement trees each. 371 replacement trees are required for these removals, unless a qualified arborist provides the information contained in MICC 19.10.070(B)(4) for a reduction in the replacement trees. **Please correct the information on Sheet L-103 to reflect the correct counts for retention, removal, and replacement and, if reduction in the replacement trees is requested, please have the arborist provide the necessary information.** Please see the attached spreadsheet for more information.
7. **Please review the City Review/Notes column in the Criteria Compliance Narrative Excel Spreadsheet attached in the review notification email sent on August 8, 2025.**
8. **Please review and prepare responses to the public comments received during the public comment period (attached).**

The City's processing of the Design Standard Review application has been put on hold until these issues are resolved. Pursuant to MICC 19.15.110, all requested information must be submitted within 60 days or a request for extension requested. The deadline for a complete response or request for extension is October 7, 2025. If a complete response is not received or an extension response has not been received prior to that date, the application will expire and be canceled for inactivity. No additional notification regarding this deadline or expiration of the application will be provided.

Sincerely,

Molly McGuire

Molly McGuire, Senior Planner
City of Mercer Island Community Planning and Development
molly.mcguire@mercerisland.gov
(206) 275-7712

Responding and Resubmitting: [Click for More Detailed Instructions](#)

1. Reply to all review comments within the review letter.
2. Update your drawings, and any necessary supplemental documents or forms.
3. Upload updated drawings to the [Mercer Island Permit Submittal Portal](#).

Having Trouble? Please Review the Following:

[Accessing, Reviewing, and Responding to MlePlan Comments](#)

[Troubleshooting MlePlan](#)

[MlePlan Overview](#)

Thank you for your participation in the MlePlan review process.

TREE INVENTORY

Tree ID Number	Diameter (inches)	Exceptional/Grove	Regulated?	Exceptional Tree Removal Justified?	Number of Replacements Required by Code	Replacement Reduction per MICC 19.10.070(B)(4)?	Number of Replacements Required if Reduced	Reason for Reduction (hazardous, poor health, dead, etc.)	Total Replacement Trees Required per Tree
8051 - RETAIN			Y		0				0
8052 - RETAIN			Y		0				0
8053 - RETAIN			Y		0				0
8054 - RETAIN			Y		0				0
8055 - RETAIN			Y		0				0
8056 - RETAIN			Y		0				0
8057 - RETAIN			Y		0				0
8058 - RETAIN			Y		0				0
8059 - RETAIN			Y		0				0
8060 - RETAIN			Y		0				0
8061 - RETAIN			Y		0				0
8062 - RETAIN			Y		0				0
8063	32	Grove	Y	N/A	6				6
8064	36	Grove	Y	N/A	6				6
8065	38	Grove	Y	N/A	6	Y	1		1
8066	32	Grove	Y	N/A	6				6
8067	13	Grove	Y	N/A	6				6
8068	25.8	Grove	Y	N/A	6				6
8069	28	Grove	Y	N/A	6				6
8070	22	Grove	Y	N/A	6				6
8071	24	Grove	Y	N/A	6				6
8072	12	Grove	Y	N/A	6				6
8073	10	Grove	Y	N/A	6				6
8074	17	Grove	Y	N/A	6				6
8075	11	Grove	Y	N/A	6				6
8076	33.4	Grove	Y	N/A	6				6
8077	16	Grove	Y	N/A	6	Y	0	Dead	0
8078 - RETAIN			Y		0				0
8079	13	Grove	Y	N/A	6				6
8080	17	Grove	Y	N/A	6				6
8081	32.3	Grove	Y	N/A	6				6
8082	11	Grove	Y	N/A	6				6
8083 - RETAIN			Y		0				0
8084 - RETAIN			Y		0				0
8085	28.2	Grove	Y	N/A	6				6
8086	36	Grove	Y	N/A	6				6
8087	14.7	Grove	Y	N/A	6				6
8088	13	Grove	Y	N/A	6				6
8089 - RETAIN			Y		0				0
8090 - RETAIN			Y		0				0
8091 - RETAIN			Y		0				0
8092	24	Grove	Y	N/A	6				6
8093	24	Grove	Y	N/A	6				6
8094	12	Grove	Y	N/A	6				6
8095 - RETAIN			Y		0				0
8096 - RETAIN			Y		0				0
8097 - RETAIN			Y		0				0
8098 - RETAIN			Y		0				0
8099	23	Grove	Y	N/A	6				6
8100 - RETAIN			Y		0				0
8101	27	Grove	Y	N/A	6				6
8102	28	Grove	Y	N/A	6				6
8103	19	Grove	Y	N/A	6				6
8104	23	Grove	Y	N/A	6				6
8105	21	Grove	Y	N/A	6				6
8106	14.9	Grove	Y	N/A	6				6
8107	20	Grove	Y	N/A	6				6
8108	13.5	Grove	Y	N/A	6				6
8109	10	Grove	Y	N/A	6				6
8110	10	Grove	N	N/A	6	Y	0	Dead	0
8111	17	Grove	Y	N/A	6				6
8112	11	Grove	Y	N/A	6				6
8113	13	Grove	Y	N/A	6				6
8114	32	Grove	Y	N/A	6				6
8115	12	Grove	Y	N/A	6				6
8116	14	Grove	Y	N/A	6				6
8117	17	Grove	Y	N/A	6				6
8118	12	Grove	Y	N/A	6				6
8119	38	Grove	Y	N/A	6				6
8120	16	Grove	Y	N/A	6				6
8121	18	Grove	Y	N/A	6				6
8122	9	N/A	N	N/A	1	Y	0	s, not considered a grove, and not	0
8123	14.8	Grove	Y	N/A	6				6
8124	11	Grove	Y	N/A	6				6
8125	16.4	Grove	Y	N/A	6				6
8126	13	Grove	Y	N/A	6				6
8127	9	N/A	N	N/A	1	Y	0	s, not considered a grove, and not	0
8128	38	Grove	Y	N/A	6				6
8129	10	Grove	Y	N/A	6	Y	1		1
8130	13	Grove	Y	N/A	6				6
8131	25	Grove	Y	N/A	6				6
8132	29	Grove	Y	N/A	6				6
8133	14	Grove	Y	N/A	6				6
8134	13.6	Grove	Y	N/A	6				6
8135	10	Grove	Y	N/A	6				6
8136	25	Grove	Y	N/A	6				6
8137	10	Grove	Y	N/A	6	Y	1		1
8138	25	Grove	Y	N/A	6	Y	1		1
8139	10.8	Grove	Y	N/A	6				6
8140	24	Grove	Y	N/A	6				6
8141	29.7	Grove	Y	N/A	6				6
8142 - RETAIN			Y		0				0
8143 - RETAIN			N		0				0
8144 - RETAIN			Y		0				0
8145 - RETAIN			Y		0				0
8146 - RETAIN			Y		0				0
8147 - RETAIN			Y		0				0
8148 - RETAIN			Y		0				0
8149 - RETAIN			Y		0				0
8150 - RETAIN			Y		0				0
8151 - RETAIN			Y		0				0
8152 - RETAIN			Y		0				0
8153 - RETAIN			Y		0				0
8154 - RETAIN			Y		0				0
8155 - RETAIN			Y		0				0
8156 - RETAIN			Y		0				0
8157 - RETAIN			Y		0				0
8158 - RETAIN			Y		0				0
8159 - RETAIN			Y		0				0
8160 - RETAIN			Y		0				0
8161	22.9	N/A	Y	N/A	2				2
8162 - RETAIN			Y		0				0
8163	36	Exceptional	Y	N/A	6	Y	1		1
8164 - RETAIN			Y		0				0
8165 - RETAIN			Y		0				0
8166	11	N/A	N	N/A	2	Y	0	Dead	0
8167 - RETAIN			Y		0				0
8168 - RETAIN			Y		0				0
8169 - RETAIN			Y		0				0
8170 - RETAIN			N		0				0
8171 - RETAIN			Y		0				0
8172 - RETAIN			Y		0				0
8173 - RETAIN			Y		0				0
8174 - RETAIN			Y		0				0
8175 - RETAIN			Y		0				0
8176 - RETAIN			Y		0				0
8177 - RETAIN			Y		0				0

Total Replacement Trees Required for Project
371

Total Trees On-Site
127

Total Regulated Trees Removed
65

Percentage Retained
48.818898

8178 - RETAIN			Y		0	0
8179 - RETAIN			Y		0	0
8180 - RETAIN			Y		0	0
8181 - RETAIN			Y		0	0
8182 - RETAIN			N		0	0
8183	12.7	N/A	Y	N/A	2	2
8184	17.5	N/A	Y	N/A	2	2

PUBLIC COMMENT 1

Molly McGuire

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Monday, July 7, 2025 7:38 PM
To: Molly McGuire; Anjali Grant
Subject: Re: NOTICE OF APPLICATION: Herzl-Ner Tamid Conservative Congregation Design Standard Review (DSR25-009)

Hello Molly, I am sorry, but what Anjali is telling the City in his Project Narrative is not what is on the Barnabie Point and JDS website. And why are you not correcting his response to someone's comments? He informs them that it is a school for "40 students." It is not. It is "150" and there is no mention of how many staff and office workers are going to be parking. How many total? Why did you not correct him when he said that it was 40 students, when he was off by 110 students not to mention the office workers and staff.

It was going to originally be The Barnabie Point Project which is a Bellevue K8 school, but it seems that they are going to be joining forces with the JDS School which is in Seattle. So, traffic now is going to be bad not only for students coming from Bellevue but from Seattle, as well:

"The Barnabie Point Project is the culmination of a 7-year process of finding a new home for JDS after the sale of the campus that has housed JDS for over 40 years. After careful planning, HNT and JDS **joined forces to build a new space on Barnabie Point.** JDS's new home will provide long-term sustainability on a right-sized campus in a prime geographic location central to the Jewish community." This is what it says on their website:

"The new building will span four levels: a partially subterranean daylight level and three above-ground floors. The basement will feature an art classroom, science/STEAM lab, and faculty workspace. The ground floor will house the preschool, lower elementary classrooms, administrative offices, and a versatile multipurpose space with both gym and chapel space. The second floor will include upper elementary and middle school classrooms, plus our Learning Resource Center and library. The top floor will be fully secure and separated from the JDS spaces, with dedicated rental offices for other local Jewish nonprofit organizations."

When they talk about "local" what do they mean exactly? It is just that Barnabie Point School is a Bellevue school and JDS is a Seattle school, neither **are local schools for local children**, so who exactly are they going to be renting the offices out to and only to Jewish non-profits? So, you mean, the JCC if they needed to, could rent out some office spaces? And if they are going to install a gym, are they going to install sound and noise barriers and something to stop the vibrations?

And this is what it says on the Project Narrative:

" The proposed project on the commercially zoned lot is a 3-story mixed-use building housing a Preschool-8 private school and community multipurpose space on levels 0, 1 and 2; and B-occupancy community rental space on levels 2 and 3. (B occupancy includes offices and training/skill development not in a school or academic program.) The building covers 16,417 SF of the lot; the Gross Floor Area is 40,511 SF."

Just to give you an idea of size and scale, the Community Center for the island is 35,000 sq ft. This is going to be bigger than that. What Herzl just does not seem to understand is that this is in a residential zoned area, it is not in a commercially zoned area. It is too massive for the area and just does not fit in with single family residential homes to the east of it.

And it is for 150 students, how many staff and how many office workers plan on working in the building? What is the total? So, when Transpo did their Report, how many additional vehicles did they put down?

OVER 80 MATURE TREES TO BE CUT DOWN - AGAINST

And I am sorry, they are not trying to preserve as many trees as possible. That is a joke. And it doesn't help having you tell the applicant what to put down on the application, like telling him that he can just "pay a fee-in-lieu". I am against this project because "Out of the one-hundred and thirty-four (134) trees inventoried thirteen (13) trees have met the threshold as an exceptional tree, eighty-two (82) trees are considered to be a part of a grove, and nine (9) trees are considered both exceptional and within a grove. Trees within the unmaintained natural area accounted for a majority of the trees within the grove."

[Chapter 19.10 - TREES | City Code | Mercer Island, WA | Municode Library](#)

Would you like to tell me how many trees they plan on removing out of 134?

And it is deemed a grove. You can't just allow the applicant to remove trees which are part of a grove. 82 trees are part of a grove. And I don't know if you heard about the homeowners in Issaquah who illegally removed 140 mature trees and you have the city allowing this applicant to remove over 80 mature trees. You don't see anything wrong with this picture?

And where do you see it says you can pay a fee-in-lieu which you informed Anjali that they can just put that down on the application form and not have to even plant the required amount of trees. Why? Who do you represent - the applicant/developer or the citizens who pay your salary? And who tells you to tell the applicant to just put that down? Did this come from Jessi/Jeff or did you just make it up yourself? And isn't your job to go back to the applicant and ask them to redo the design to preserve the trees as best as possible?

DROPPING OFF SCHOOL CHILDREN AND PICKING THEM UP

And this is the photo on the Barnabie Point Project website:



So would someone like to explain to me how this will work? Supposedly, you are going to have parents making a left onto the road which runs parallel to the parking lot, then a sharp right into this parking lot. Then, is this going to be a two-way parking lot? And where exactly are the parents planning on dropping off their children? Like is there a crosswalk and where exactly is it going to be? It is going to be one big mess.

So, let's say parents stop in the middle of the parking lot, as the children are kindergarteners, the parent is going to have to get out and undo each of the children's car seats. Then, they will have to walk their

children across the parking lot to the entrance of the school, so assume at least 5 minutes per child to get them from the car to the school, and you don't think cars will be backed up to the main road?

And another thing, after the parents have dropped the children off, do they continue on all the way to the boat launch area and then will they be driving back up that road that runs parallel or what exactly is the plan?

And what about car fumes? Can you imagine it? As the children are being dropped off, there will be all the car fumes from parents idling their vehicles right outside the school. How is that good for anyone? It is not for the health and safety.

TRAFFIC IN GENERAL IN THAT AREA IS ALREADY BAD

I am sorry, but traffic is already a disaster. I don't know how you are not getting it. Any additional development is just going to add to the congestion. You see, you have the south end drivers using that East Mercer Way entrance to the I-90 going eastbound and you have drivers coming onto the island from the I-90, you have the schools across the road and you have the civic center just down the road all using the same entrance and exits to the freeway. There are 6,500 vehicles a day using the ramps onto Mercer Island.

HOW MANY TIMES HAVE THEY TRIED TO GET AROUND THE REQUIREMENTS?

It seems like the City refuses them a permit or CUP or whatever, so instead of just giving it a bone, they try a different tactic. The neighbors keep complaining and the City staff and council just ignore them. How much time and money has been spent on this to date? Please let me know. Not to mention, I could be wrong, but as they are a non-profit, they won't need to pay property taxes, is that your understanding?

CHOICES

You have the JCC requesting a zone change to accommodate what I deem a Jewish student campus. So, why can't Herzl ask the JCC if they could join forces with them and put their school somewhere on their property? And imagine if after all this, Herzl is given the go ahead, only to find the French American School across the road moves out and they have an empty school? It would be great if they could instead purchase or lease the French American School and not have to cut down all those mature trees, cause additional car fumes and traffic, and create a large building for the neighbors.

And what happened to the Eastgate and Wilburton Elementary Schools that closed in Bellevue? Are those schools vacant? How about they ask to rent or purchase those school properties instead of where they want to build?

And the Old Boys and Girls Club on West Mercer Way was purchased by Mr. O'Brien. He wanted to develop the property and got approval to subdivide the property, get rid of the volleyball field and build 14 houses on that lot. Why not Herzl ask if they could build a school and gymnasium on the lot? They have nothing to lose.

And what happens if after all that, the JCC then gets approval to change their zone from what it is now to CO to allow a massive campus, do you realize that that whole area would be one massive education

campus area? It was never supposed to be an education campus, but a single family residential zone for single family residences. It is too much and should they be allowed to build this school, gymnasium and office block, and let's say the JCC is allowed to change their zone, before you know it, that whole area is ruined and for what?

SPILOVER LIGHTING

Across the road, the JCC have spillover lighting for which they refuse to do anything about, and nor does the City make them do anything to make it so that there is no bright lighting. The same thing is going to happen to this property should they get the go ahead. They will just say that the lighting is for security and you tell me, what are the neighbors going to do about it? There is nothing they will be able to do.

SUMMARY

I would request that there is a community meeting at the site itself with the City staff, Anjali and the Hearing Examiner going over this project. That would be fair.

I don't know if my comments go before the Hearing Examiner, so I hope you will make sure he gets my email with all my comments.

This is the wrong project for this single family residential area. It is going to cause a whole lot of mature trees to be cut down, cause increased traffic congestion, ruin a single family residential neighborhood, and it is not clear what benefits the local residents/students would even get from this project. For whatever reason, someone thought that merging the Seattle and Bellevue schools and opening up a school on Mercer Island in that specific location would be a good idea, but it is not. It would be better if they kept the schools separate and have Seattle students attend a Seattle school and Bellevue students attend Bellevue schools or to use a school that has closed without the need to remove a grove of trees and to ruin a single family neighborhood. Put yourselves in the position of the neighbors.

Thanks.

On Mon, Jul 7, 2025 at 1:29 PM Molly McGuire <molly.mcguire@mercerisland.gov> wrote:

Hello,

You are receiving this Notice of Application because you are listed as a party of record for Herzl-Ner Tamid Conservative Congregation project located at 3700 E Mercer Way, Mercer Island, WA 98040.

Please see the attached Notice of Application for DSR25-009.

Sincerely,

Molly McGuire

Senior Planner

City of Mercer Island – Community Planning & Development

206-275-7712 | www.mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

PUBLIC COMMENT 2

Molly McGuire

From: velooceella@gmail.com
Sent: Wednesday, August 6, 2025 10:12 AM
To: Molly McGuire; Deb Estrada
Cc: velooceella@gmail.com; blkship@yahoo.com
Subject: Public comments

Please consider these public comments in response to the permit application notice file # DSR 25-009 issued by the city requiring public comments by August 7, 2025.

Please consider Matthew Goldbach and John Hall individually and representatives of Concerned Neighbors for the Protection of the Neighborhood as parties of record.

First, we object to the application because the City made it VERY DIFFCULT for residents to find documents in a timely manner Therefore, it is impossible for a neighbor to respond or comment.

Second, this email incorporates all filings submitted by Matthew Goldbach and John Hall individually or as representatives of Neighbors in the SEPA appeal hearing # APL-25003 held before Hearing Examiner Galt on 07/09/2025, specifically Neighbors' pleadings, briefs and any emails submitted with photographs of the parking along East Mercer Way.

Third, based on HE Galt's Decision on 07/18/2025 Neighbors re-raises two critical issues:

1. There must be a priority turn signal in any turn lane for the Herzl school going southbound on East Mercer Way. Otherwise, cars waiting to turn left will back up into the I-90 intersection and block East Mercer Way southbound, and anxious parents late for school will attempt left hand turns into heavy oncoming peak traffic that will be dangerous. However, it has to be considered that any priority turn signal southbound on East Mercer Way will back up peak traffic heading northbound to I-90 in the peak am hours, which includes parents who have dropped off students or campers or kids at the JCC and French American School and who now must re-access East Mercer Way northbound to get back to I-90 as the vast majority of students and campers at both schools are from off-Island.

2. As the photos show in the emails we and Neighbors submitted in the public hearing for the CUP parking due to overflow parking from the JCC, FAS and Herzl Synagogue is a major safety issue on East Mercer Way for pedestrians and kids crossing East Mercer Way which includes kids waiting for school buses as noted in one photo. Although the City's Report on the CUP indicated the FAS leases 34 stalls for parking at the Herzl parking lot in reality the number is much closer to 61 spaces according to the lease itself.

Although the HE found MICC allows the code official to reduce required parking on residential properties in extreme circumstances Neighbors believes this intersection and neighborhood is the last part of Mercer Island such parking minimums should be reduced simply because the B zoned property does not want to use any lot area for parking and Herzl's residential properties are so far beyond their legally allowed (or grandfathered) lot coverage limits they cannot accommodate more than 105 parking stalls.

There is little chance that the B zone school and Herzl synagogue will be able to reduce their required parking by 25%, or even 1%, and with the FAS having to look for and lease parking that it will lose due to the

abrogation of its lease for parking with Herzl this parking will again migrate to East Mercer Way and 40th creating a safety issue while the city refuses to enforce no parking rules on East Mercer Way.