

**BEFORE THE HEARING EXAMINER for the
CITY of MERCER ISLAND**

CLERICAL CORRECTION

FILE NUMBER: CUP24-001

APPLICANT: Herzl-Ner Tamid Conservative Congregation
C/o Hillis Clark Martin & Peterson P.S.
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TYPE OF CASE: Conditional Use Permit Revision for a church facility (synagogue) to share its parking, circulation system, utility lines, and pedestrian paths with the uses to be located in a new PK-8 school and related offices to be built on an adjoining parcel owned by the applicant

Authority: Rule of Procedure 508

WHEREAS, on Sunday, July 20, 2025, Sarah Fletcher (“Fletcher”), a party of record (Fletcher submitted Exhibits 18.11 – 18.13), submitted an email to the City raising a series of questions regarding the July 18, 2025, Decision in the above-entitled matter; and

WHEREAS, Hearing Examiner Rule of Procedure 508 reads in full as follows:

The Examiner may correct obvious clerical errors in decisions on his/her own initiative or in response to a request from a party of record. Clerical corrections are limited to those clearly identifiable from the public record. Issuance of a clerical correction has no effect upon any time limit provided under code or these Rules.

This clerical correction is made under that authority; and

WHEREAS, one portion of the Fletcher email questions the accuracy of the Examiner’s statement that “The SJCC and the FASPS are located on C-O-zoned property, another commercial zoning district.” [Decision, PDF 11, Conclusion of Law 6, ¶ 1¹] Fletcher states: “I did not know that the zoning was C-O. It states that there is only one C-O zone outside of the Town Center and where the JCC and FAS are not one of them.” [Fletcher email, ¶ 2; “JCC” is an alternative acronym for “SJCC.”]; and

¹ Fletcher does not provide a citation for this statement by the Examiner. The one place in the Decision where this statement occurs is in Conclusion of Law 6.

WHEREAS, the Examiner included an excerpt from the City’s zoning map, taken from Exhibit 20, in Finding of Fact 1. The yellow area in the bottom left corner of that excerpt depicts the southeast corner of a large area zoned C-O. The south boundary of that C-O-zoned area is roughly on line with the south boundary of the lot across East Mercer Way with address number 3712 shown on the zoning map excerpt. That south line runs essentially due west from that corner for about 1,500 feet before turning to the north. The area between that line and SE 36th Street on the north is all zoned C-O. [Official City Zoning Map, <https://mercerislandgis.maps.arcgis.com/apps/webappviewer/index.html?id=f4464290a9b24d6496b43b39dea42a84>, last visited July 21, 2025]; and

WHEREAS, the SJCC appears to be composed of two major buildings, each situated on separate, abutting parcels: The building on the northern lot has street number 3795; the larger building on the southern parcel has street number 3801. The northern parcel (the 3795 building parcel) is within the C-O-zoned area; the southern parcel (the 3801 building parcel) is within a large area zoned R-8.4, a predominantly single-family residential zone; [*Ibid.*] and

WHEREAS, the Examiner’s statement in Conclusion of Law 6 was misleading at best and at least partially wrong at worst. Unless the FASPS has moved or expanded into another building, it occupies at least part of the 3795 building which is in the C-O-zoned area. (Exhibits 23.18; 23.19) However, the rest of the SJCC is presumably located in the 3801 building which is not located in the C-O-zoned area. Conclusion of Law 6 needs to be corrected to make that distinction; and

WHEREAS, the other questions in the Fletcher email are not appropriate for the clerical correction process.

NOW, THEREFORE, the Hearing Examiner issues the following:

CLERICAL CORRECTION

Conclusion of Law 6, ¶ 1 on page 11 is revised as follows (deletions denoted by ~~striketrough~~; additions underlined):

One witness (Hall) opined that commercial and residential uses should not be co-mingled. Where and under what circumstances different uses may be located in the City depends in large measure upon zoning regulations. Adopted City zoning places Lot 1 in the B zone, a commercial use zone. That it abuts residentially zoned property does not change the fact that it is zoned for commercial uses. The northern part of the ~~The SJCC complex~~, ~~and~~ including the FASPS, is ~~are~~ located on C-O-zoned property, another commercial zoning district. That residential zoning abuts the C-O district does not change the fact that it is zoned for office-type uses.

The July 18, 2025, Decision remains in full force and effect in all other respects. This correction, being non-substantive in nature (relative to the Decision at hand), does not affect or alter the reconsideration and appeal deadlines as set forth in the Decision.

CLERICAL CORRECTION issued July 21, 2025.

\s\ *John E. Galt*

JOHN E. GALT
Hearing Examiner