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7 **BEFORE THE HEARING EXAMINER**
8 **FOR THE CITY OF MERCER ISLAND**

9 In the matter of Design Standard Review
10 for 3700 E Mercer Way

City of Mercer Island Design Standard Review
file no. DSR25-009

11 **APPLICANT’S WRITTEN REBUTTAL**
12 **TO FINAL COMMENTS**

13
14 **I. INTRODUCTION**

15 The City of Mercer Island (“**City**”) held an open-record public hearing on October 31,
16 2025 to review the design of the Barnabie Point Project (“**Project**”) proposed by Herzl-Ner
17 Tamid Conservative Congregation (“**Applicant**”). As further described throughout the
18 Project’s SEPA record, its conditional use permitting (“**CUP**”) record, and this design review
19 record, the Project proposes a new school with nonprofit rental offices, shared parking, and
20 associated site improvements on the Applicant’s assemblage of three parcels (together, the
21 “**Site**” commonly known as 3700 East Mercer Way). The Project’s threshold determination
22 under SEPA was finalized several months ago,¹ and the City’s Hearing Examiner
23 (“**Examiner**”) will now decide whether to grant the Applicant’s requests for relief (“**Requests**
24 **for Relief**”) from various prescriptive standards that otherwise would apply to the Project.²
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26 ¹ See generally Examiner’s Decision on Project’s SEPA Appeal, entered as Exhibit #8 to DSR 25-009.

27 ² Staff Report, entered as Exhibit #1 to DSR 25-009, at p. 5 (“The development code applicable to the
28 proposal contains several requirements that may be reduced, waived, or modified by the Design Commission,
now Hearing Examiner.”).

1 Neighbors of the Site, including Matthew Goldbach (by and through his land use
2 attorney, “**Mr. Goldbach**”), Kay Shaffer, Winky Lai, John Hall, Merkys Gomez and Mike
3 Bundesmann (together, the “**Other Final Commenters**”) submitted written comments (each, a
4 “**Final Comment**”) with respect to this design standard review process. However, those Final
5 Comments were not submitted to the City until long after the applicable public comment
6 period had expired,³ and were not received by the Applicant until after its open public hearing
7 had concluded. Because these Final Comments were not available for the Applicant’s review
8 before or even during its public hearing, this filing provides the Applicant’s written rebuttal
9 (“**Rebuttal**”) to those Final Comments.⁴

10 Mr. Goldbach’s Comment only addressed the Applicant’s third Request for Relief in
11 this Design Standard Review process (“**Request #3**”). In Request #3, the Applicant asks the
12 Examiner’s approval for the City building official to “[r]educe the required 139 parking
13 spaces to 105 parking spaces.”⁵ Mr. Goldbach’s Comment objected to Request #3 on several
14 bases, which are addressed in turn below. The Other Final Comments focused on alleged
15 environmental impacts, rather than requests for relief or other matters that are currently before
16 the Examiner in this design review process.

17 The Applicant respectfully submits that the arguments in the Final Comments cannot
18 be considered under longstanding doctrines of claim preclusion, issue preclusion, *res judicata*
19 and administrative finality under SEPA and the Mercer Island City Code. However, even if
20 the Late Comments are to be considered, the Applicant respectfully submits that they are not
21 compelling, are not supported by any evidence in the record, and do not rebut any of the
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25 ³ See *id.* at p. 1 (“Comment Period Ended: 5:00 PM on August 7, 2025”).

26 ⁴ To avoid causing further delay, this rebuttal does not challenge the admissibility of the Final Comments,
27 but only provides rebuttal with respect to their substance and relevance.

28 ⁵ See Staff Report at p. 5 (Cooperative Parking); see also *id.* at pp. 17-19 (Minimum parking requirements
for specific uses), pp. 21-22 (Parking).

1 evidence that *has* been entered into the record. The Applicant therefore respectfully asks that
2 the Examiner grant each of the Requests for Relief and approve the Project’s proposed design.

3 **II. PROCEDURAL BACKGROUND**

4 On March 17, 2025, the City issued an MDNS under SEPA for the Project. The City
5 issued a Revised MDNS on April 7, 2025, to correct for the possibility of error in execution of
6 public notice procedures. The Revised MDNS stated that “[a]ny party of record may appeal
7 this determination to the City Clerk at 9611 SE 36th Street, Mercer Island, WA 98040 **no**
8 **later than 5 pm on April 21, 2025** by filing a timely and complete appeal application and
9 paying the appeal fee.” (bold and underline in original). On April 18, 2025, the Applicant
10 appealed the Revised MDNS to request clarification of several conditions of approval. The
11 Applicant and the City’s permitting staff later settled on mutually satisfactory text to those
12 conditions, which was adopted by Examiner.⁶ The City received no appeals of the Revised
13 MDNS (or the original MDNS) before the bolded and underlined legal deadlines.
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15 On July 9, 2025, the Examiner conducted a day-long hearing concerning the
16 preexisting CUP for the Applicant’s existing synagogue on the Site. In that hearing, the
17 Examiner considered whether to conditionally permit the synagogue to share its preexisting
18 improvements, including its parking, with the Project.⁷ Mr. Goldbach, Mr. Hall, Ms. Lai and
19 others participated in that hearing.⁸ On July 18, 2025, the Examiner issued a CUP decision
20 (with clerical corrections issued July 25, 2025, the “*Examiner’s Decision on the Site CUP*”).
21 The Examiner’s Decision on the Site CUP conditionally allows the Applicant’s synagogue to
22 share its facilities with the Project.⁹
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⁶ See Examiner’s Decision on Project’s SEPA Appeal, entered as Ex. #8 to DSR 25-009, at p. 9
26 (Conclusions of Law).

⁷ See Examiner’s Decision on Site CUP, entered as Ex. #5 to DSR 25-009, at p. 5 (Finding of Fact #7).

27 ⁸ See *id.* at p. 8 (Finding of Fact #14, concerning comments from Lai and Goldbach)

28 ⁹ *Id.* at p. 1; see also Clerical Correction to CUP24-001 (Exhibit #6 to DSR 25-009)

1 Due to the complex nature of the Site and the Project, the Examiner’s Decision on the
2 Site CUP provided detailed findings of fact, conclusions of law, and conditions of approval.

3 Among other things, the Examiner’s Decision on the Site CUP provided the following

4 Conclusions of Law:

5 **“The public comments about traffic increases, institutional growth in the area, etc. . . . address**
6 **concerns about the new school/office building [which] could have been raised through a**
7 **challenge to the SEPA threshold determination, but they weren’t. It is now too late to raise**
8 **any such challenges.”¹⁰**

9 **“The school/offices building proposal . . . depends upon shared parking and the 25% stall**
10 **reduction that is contingently available in shared parking situations. [I]t is the Examiner (as**
11 **the new replacement for the former Design Commission) who, along with the City Engineer,**
12 **has authority to grant the 25% reduction, [and] that authority must be exercised in the context**
13 **of a design review proceeding”¹¹**

14 The Examiner also adopted the City professional staff’s recommended CUP condition
15 of approval #6, to reflect that shared parking situation. That condition dictates:

16 **“The Proposed 25 percent reduction in required 139 parking spaces . . . shall be reviewed and**
17 **approved by the Hearing Examiner and city engineer during design review, prior to the**
18 **issuance of construction authorization. . . .”¹²**

19 Mr. Goldbach and the Other Final Commenters have not disputed that they had access
20 to all notices, all opportunities to be heard, and all written decisions, with respect to both the
21 MDNS and the Examiner’s Decision on the Site CUP. They had ample access to their appeal
22 rights. They did not file any appeal of any part of the MDNS or any part of the Examiner’s
23 Decision on the Site CUP.
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26 ¹⁰ Examiner’s Decision on the Site CUP, entered as Exhibit #5 to DSR 25-009, at p. 10 (Conclusion of Law
27 #3).

28 ¹¹ *Id.* at p. 11 (Conclusion of Law #7).

¹² *Id.* at p. 15 (Condition of Approval #6).

1 **III. AUTHORITY AND ARGUMENT**

2 **A. MR. GOLDBACH’S ALLEGATION OF INCONSISTENCY WITH THE CODE IS A**
3 **LATE AND IMPERMISSIBLE COLLATERAL ATTACK ON THE EXAMINER’S**
4 **CONCLUSIONS OF LAW.**

5 The Goldbach Comment focuses on the Project’s Request #3.¹³ As described by the
6 City’s Staff Report, Request #3 asks for Examiner to allow the Project to “[r]educe the
7 required 139 parking spaces to 105 parking spaces.”¹⁴ The Staff Report also documents that
8 the “[t]he City Engineer has determined that the Applicant has demonstrated that no adverse
9 impact would occur with this reduction,” and the question now before the Hearing Examiner
10 is to determine whether he concurs with the City Engineer’s finding on that matter.¹⁵

11 The Goldbach Comment’s allegation of “inconsistency with code” misconstrues the
12 split-zoned status of the Site.¹⁶ Simply put, the Site’s proposed school/office parcel is zoned
13 “B,” and school and nonprofit uses are permitted outright in that zone subject to applicable
14 development standards.¹⁷ Of course, one of the applicable development standards is that
15 parking must be provided.¹⁸ The Project proposes to provide such parking on an adjoining
16 split-zoned parcel within the Site. On that parcel, accessory parking has already been long
17 legally established in connection with the Site’s preexisting synagogue.¹⁹

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¹³ See generally Goldbach Comment, entered as Ex. #22.4 to DSR 25-009.

24 ¹⁴ Staff Report, Ex. #1 to DSR 25-009, at p. 5.

25 ¹⁵ *Id.*, pp. 5-6; see also Memorandum of City Engineer Patrick Yamashita, PE, entered as Ex. #27 to DSR
26 25-009.

27 ¹⁶ See Goldbach Comment pp. 2-3.

28 ¹⁷ Examiner’s Decision on Site CUP, entered as Exhibit #5 to DSR 25-009, at p. 10 (Conclusion of Law 1).

¹⁸ *Id.*, at p. 11 (Conclusion of Law 7).

¹⁹ *Id.*; see generally Parking Memorandum for Cooperative Parking (entered as Exhibit #26) and (City of
Mercer Island Engineer Parking Reduction Approval (entered as Exhibit #27)).

1 With the synagogue's parking already long-established on the Site's split-zoned
2 parking lot, Request #3 asks the Examiner to consider whether that preexisting parking lot is
3 adequate to support the proposed Project without new adverse impacts. The Applicant has
4 provided evidence, and the City engineer has agreed, that it is adequate. Mr. Goldbach's
5 efforts to apply R-9.6 development standards to the proposed school building are unavailing,
6 because no part of the Project's new building will be located within R-9.6 zoning. The
7 Project's new building just proposes to share cooperatively in the preexisting parking that
8 exists on the Site's split-zoned parcel.



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18 **Figure 1. The Applicant's Site, as depicted by the Goldbach Comment. The Project is proposed to be built on the**
19 **Site's Parcel marked "1". The Applicant's existing synagogue is on the Site's Parcels "2" and "3". The Project**
20 **requests the Examiner's approval to rely on the parking located on the Site's Parcel "3".**

21 In July, the Examiner promulgated conclusions of law and binding conditions both
22 making clear that the procedural next step for this Project would be for the Examiner and City
23 Engineer to both weigh, in this design review process, whether the proposed shared parking
24 would create adverse impacts.

25 As an active and involved party to the July proceeding, Mr. Goldbach could have argued,
26 either by reconsideration request or by appeal, against the Examiner's Conclusions of Law or
27 Conditions (both setting forth that the Examiner would consider the request for shared parking
28 through the instant process and according to the instant criteria.) Though Mr. Goldbach was a

1 party, he did not raise that argument in the required periods, and those required periods have
2 now passed.

3 The Goldbach Comment cannot now allege that shared parking is not allowed, or that a
4 variance process or variance criteria must be applied to this question, because of issue
5 preclusion and *res judicata*. Had Mr. Goldbach wished to take issue with the Examiner’s
6 conclusions of law and conditions of approval on those topics, Mr. Goldbach could have raised
7 an appeal or a reconsideration request asking those items to be corrected or stricken from the
8 Examiner’s Decision on the Site CUP. Appeal and reconsideration were both available to him,²⁰
9 but he declined to pursue either path. He is now bound by *res judicata*, which is absolutely
10 applicable to municipal land use decisions under longstanding Washington law.²¹

11 The Examiner’s July Conclusions of Law and Conditions of Approval with respect to
12 this Project must be allowed to stand and may not be belatedly and collaterally attacked by Mr.
13 Goldbach. Accordingly, the Goldbach Comment’s arguments in its Section B (“Inconsistent
14 with Code”) must be rejected in full. However, even if they are not rejected under the applicable
15 principles of *res judicata*, issue preclusion or administrative finality, they are unconvincing.
16 There has been no variance application, and no variance review is required. The Project’s
17 proposed uses and structures are legally allowed, subject to SEPA, the CUP, and this design
18 review process.

19 **B. MR. GOLDBACH’S ARGUMENT THAT “HEARING EXAMINER DISCRETION**
20 **DEMANDS DENIAL” OF REQUEST #3 IS INCORRECT AND UNSUPPORTED.**

21 The Goldbach Comment’s second set of arguments²² posits that the facts or the law
22 “demands denial” of Request #3, based on the Goldbach Comment’s unsupported conclusions

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24 ²⁰ See Examiner’s Decision on the Project CUP, at p. 13 (“**NOTICE of RIGHT of**
RECONSIDERATION” and “**NOTICE of RIGHT of APPEAL**”) (capitalization and bold in original).

25 ²¹ See, e.g., *Hilltop Terrace Homeowner's Ass'n v. Island Cnty.*, 126 Wn. 2d 22, 31, 891 P.2d 29,
26 34 (1995); *Garner v. City of Fed. Way*, 162 Wash. App. 1060 (2011) (“To the extent that he suggests
27 that *res judicata* does not apply because of the administrative context of the prior proceedings, we do
not agree. Quasi-judicial determination of an administrative agency is final, binding, and subject to *res*
judicata to the same extent as the judgment of a court.”).

28 ²² Goldbach Comment pp. 3-5.

1 that “[t]he proposed location is simply one of the worst places to approve a reduction in on-
2 site parking and the applicant cannot demonstrate that no adverse impact will occur.”²³

3 The Goldbach Comment’s allegation of “simply one of the worst places” is both
4 unsupported and unconvincing. First, as previously concluded by the Examiner, the
5 preexisting density of institutional uses would have been a matter for review in legislative or
6 SEPA processes that are now concluded and therefore are not relevant here. Second, the
7 undated and unsworn photographs are not qualitative or quantitative evidence of anything,
8 and the Applicant has not been provided with any opportunity to question their veracity or the
9 circumstances that surround them. Third and finally, even if those photographs *were*
10 persuasive in any way, they speak to preexisting conditions that logically *cannot* be adverse
11 impacts of the Project’s desire to share parking, simply because the proposed Project does not
12 yet exist.

13 The Goldbach Comment’s statement that the Applicant “cannot demonstrate that no
14 adverse impact will occur” is both conclusory and incorrect. The Applicant *has* provided
15 clear, compelling and persuasive evidence in the record that the City’s professional staff
16 (including the City Engineer) has already reviewed and found as sufficient to show that no
17 adverse impacts will occur as a result of the shared parking. The Goldbach Comment provides
18 no rebuttal to that evidence. Simply put, the synagogue and the school will operate on
19 fundamentally alternating schedules. The synagogue is only busy on Jewish Holidays. On
20 those days, the Jewish Day School and the Jewish nonprofits that propose to occupy the
21 Project will be closed. Reciprocally, the synagogue’s parking needs and uses are light during
22 the school week - except on Jewish Holidays, when the Project will be closed.

23 The Staff Finding with respect to this matter is set forth in the Staff Report. In critical
24 part, the Staff Finding restates and reaffirms that “[t]he City Engineer has reviewed the
25 proposal and concurs with the applicants’ demonstration in Exhibit 26 that no adverse impacts
26 would occur as a result of the reduced number of stalls, provided the conditions related to the

27 ²³ *Id.* p. 3

1 Transportation Demand Management Plan are met to ensure the site uses are managed to
2 work within the available parking capacity (Exhibit 27).”²⁴

3 The Staff Finding also says, and the Applicant concurs, that “[t]he approval of the
4 reduction in parking shall be approved by the Hearing Examiner during design review, as
5 conditioned,” and “[t]he proposed reduction in parking is consistent with the City of Mercer
6 Island Comprehensive Plan,” insofar as the Applicant’s proposed approach would
7 “[e]ncourage the most efficient use of the transportation system,” and “[e]ncourage business
8 and residential areas to explore opportunities for shared parking . . .” *Id.*

9 The City Engineer has reviewed the proposal and found that no adverse impacts would
10 result from the proposed cooperative shared parking.²⁵ The Applicant respectfully posits that
11 the Engineer most likely made this finding based on his review of the table that was displayed
12 and presented to the Examiner at the Hearing, and which was entered into the record as
13 Exhibit 26. This table is re-inserted as Attachment A to this Rebuttal. The City Engineer
14 found this table persuasive, and the Examiner should as well. It shows that due to alternating
15 parking needs, the addition of the school structure will not cause adverse impacts. Neither the
16 table nor the City Engineer’s memorandum have been rebutted in the record.

17 **C. MR. GOLDBACH’S STRAW-MAN ARGUMENTS ABOUT THE FRENCH AMERICAN**
18 **SCHOOL OF PUGET SOUND SHOULD NOT BE ENTERTAINED.**

19 In his final protestations,²⁶ Mr. Goldbach offers no evidence that he has been
20 authorized by the French American School of Puget Sound (“*FASPS*”) to raise protestations
21 against the Project on FASPS’s behalf. FASPS is fully apprised of the Applicant’s Project,
22 and if it had concerns about adverse impacts from this Project, it could have introduced them
23 into the record by the applicable deadline. It did not. Because Mr. Goldbach is not an
24 authorized representatives of FASPS, he does not have standing to raise arguments about
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²⁴ Staff Report, Ex. #1 to DSR 25-009, at pp. 18-19.

27 ²⁵ Memorandum of City Engineer Patrick Yamashita, PE, entered as Ex. #27 to DSR 25-009.

28 ²⁶ See Goldbach Comment p 5.

1 potential impacts to that institution. But even if he did, his lack of evidence and lack of
2 affiliation with FASPS makes these argument unconvincing.

3 Last, Mr. Goldbach's allegation that the proposed cooperative parking "will render
4 FASPS unable to comply with the conditions of its own CUP" is deficient for two reasons.
5 First, it is conclusory and unsupported by any evidence in the record. Second, it is legally
6 inapposite, because in examination of a Project's impacts, the reviewer must focus on impacts
7 that follow from the program actually proposed, not on speculation that a third party will
8 cease to comply with its own legal obligations. In other words, Mr. Goldbach may not prevent
9 the Project from being built because he theorizes, without evidence, that a different party will
10 fail to comply with its own obligations at some point in the future.

11 **D. THE OTHER FINAL COMMENTERS FOCUSED ON SEPA IMPACTS THAT ARE NO**
12 **LONGER UNDER CONSIDERATION.**

13 The Other Final Comments either seek legislative action,²⁷ or focus without evidence
14 on speculative fears of traffic, toxic road run-off, air quality and noise impacts from the
15 Project.²⁸ None of the Requests for Relief that are currently before the Examiner pertain to
16 traffic volume, toxic road run-off, air quality or noise. As previously concluded by the
17 Examiner, such concerns might have been raised in a timely challenge to the Project's SEPA
18 threshold determination, but they were not. The Other Final Commenters are sophisticated
19 parties, but they declined to exhaust the SEPA appeal opportunity that was available to them.
20 As a result, their concerns are no longer timely or within the scope of the Examiner's
21 consideration.

22 To the extent that Ms. Lai's comments and Ms. Gomez's comments contain bare
23 references to parking,²⁹ their speculations are unsupported by evidence in the record,
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25 ²⁷ See generally "kay shaffer 10302025.pdf," entered as Ex. #22.5 to DSR 25-009.

26 ²⁸ See generally Emails of Mike Bundesmann, Merkys Gomez and Winky Lai, entered as Exs. #22.6 and
#22.7 to DSR 25-009.

27 ²⁹ Ms. Gomez's comment voices "many concerns [including] that the work that is proposed on the site does
28 not adequately address the . . . parking consequences." Ms. Lai's comment "cannot imagine . . . how we're going
to handle the increased traffic & parking."

1 especially given that the application file and the hearing record do in fact contain significantly
2 detailed studies and plans. None of the Other Final Commenters attempted to rebut that
3 evidence in the record.

4 In sum, the speculative concerns raised by the Other Final Commenters are not
5 relevant to the Requests for Relief currently before the Examiner. But even if they were
6 relevant, it is conclusory and unsupported by evidence.

7 **IV. CONCLUSION**

8
9 Mr. Goldbach's Final Comment is misplaced because it collaterally and belatedly
10 attacks the Examiner's procedural and legal determinations, which were delivered to Mr.
11 Goldbach as Conclusions of Law and a CUP Condition, and which Mr. Goldbach chose not to
12 appeal despite his active participation in the process. Furthermore, his Final Comment
13 opposes the Applicant's case for the discretionary parking reduction without providing clear
14 or compelling evidence in support of his opposition, *and* without rebutting the evidence that
15 the Applicant has provided in support of its showing that the shared parking would not create
16 adverse impacts. Finally, it attempts inappropriately to weaponize an unrelated nonprofit as a
17 non-consenting opponent to the Applicant's Project.

18 The Other Final Comments are misplaced because they focus belatedly on
19 environmental impacts. The Other Final Commenters could have filed an appeal of the
20 Project's MDNS on those bases, but they did not. To the extent that they briefly reference
21 parking, they neither introduce new evidence nor rebut the evidence and reasoning that the
22 Applicant has provided for the record, and the City's professional staff have reviewed and
23 found sufficient.

24
25 The Examiner should reject the Goldbach Comment and the Other Final Comments as
26 belated and unpersuasive. Instead, the Applicant respectfully asks the Examiner to grant each
27 of the Requests for Relief that the Applicant has submitted through this design review process
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1 (to specifically include Request #3), and to approve the Project’s requested design treatment
2 overall.

3 DATED this 6th day of November, 2025.

4 HILLIS CLARK MARTIN & PETERSON P.S.

5
6 By *s/ Josh Friedmann*

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13 Attorney for Herzl Ner Tamid Conservative
14 Congregation

	Code-required Parking	Code-required parking with 25% reduction	Projected Need Based on Scheduled Uses								Comments from Users
			Weekdays 8:30-4:45	Weekdays 3:45-6	Weekdays after 6	Friday night	Saturday	Sunday morning to 12:15	Sunday 1:30 and after	High Holidays	
Office/B Occupancy	33	24.75	23	23	20	0	0	0	20	0	Friendship circle in the evenings is maybe 20 people and 2 Sundays per month could be up to 50 people, but parking is more like 20 cars.
School	24	18	21	20	0	0	0	0	0	0	Monday, Wednesday, Thursday there might be 10-15 cars with faculty for after care and faculty staying to work in their rooms. Tuesdays and Fridays, it would only be 3-5 cars of those people with aftercare and possibly some admin. During volleyball and basketball seasons we might have 10-20 cars parked for games from roughly 4-5 p.m. once a week.
Religious School (existing use)	0	0	0	6	0	0	12	65	0	0	Tuesdays – about 40-50 kids and 3-4 teachers; Tuesdays almost no one beyond the teachers are parking; 5-6 cars. Saturdays – about 40-50 kids and 2 teachers; 10-12 cars. Sundays – about 80-90 kids, 6 teachers and 18-20 madrichim (teen helpers); most people park for the first half hour or so and then leave, returning for pick up at 12:15; 12-15 staff cars (including teen drivers) plus 40-50 cars for morning assembly time.
Synagogue (existing use)	82	61.5	18	18	0	30	50		0	0	regular religious services (Friday night/Saturday morning) 50 people, 30 cars parking lot at capacity, plus If we have a B'nai Mitzvah on a Saturday morning, then 80-100 people, 50 cars additional spaces rented by HNT Staff is 10 people right now. With vendors and visitors, it could get up to as many as 18, 18 cars
TOTAL: typical use	139	104.25	62	67	20	30	62	65	20	0	see above
Occasional Special Events (existing use)	0	0	0	0	72	72	0	0	72	0	Anticipating occasional use of large or small multipurpose rooms within school building; previously these would have taken place in the synagogue building. Using the Mercer Island Municipal Code formula for civil & social organizations per 19.04.040: parking for the large multipurpose room is calculated at 5,373 sf/75 gross floor area = 72 spaces; parking for the small multipurpose room is calculated at 200 sf/4 seats = 50 spaces.
TOTAL: with a special event					92	102			92		

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I caused to be served a true and correct copy of the foregoing
3 document by method indicated below and addressed to the following:

4 Phil Olbrechts, Hearing Examiner
5 olbrechtslaw@gmail.com

Delivery Via:
 U.S. Mail
 Overnight Mail
 Facsimile
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 E-Service
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6 Audrey Clungeon, Attorney for Matthew
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19 Mercer Island
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20 Jeff Thomas, City of Mercer Island
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22
23 I certify under penalty of perjury under the laws of the State of Washington that the
24 foregoing is true and correct.

25 DATED this 6th day of November, 2025.

26
27 s/ Debbie Chewning
Debbie Chewning, Legal Assistant