

## 9601 and 9611 SE 36<sup>th</sup> Street Reclassification (Rezone) of Property Project Narrative

---

The City of Mercer Island is proposing to update the zoning of two parcels located at 9601 and 9611 SE 36th Street. These parcels are the long-standing home of City Hall and the Public Works Maintenance and Operations facilities.

- **Parcel A (9611 SE 36th Street)** is where City Hall is located. It is currently zoned Commercial Office (CO).
- **Parcel B (9601 SE 36th Street)** is where the Maintenance and Operations buildings are located. This parcel currently has a mix of Residential (R-8.4) and Commercial Office (CO) zoning.

The City is proposing to rezone both parcels to Public Institution (PI).

The current zoning (CO and R-8.4) does not fully reflect how the property is being used today or how it is planned to be used in the future. Both sites are already used for important public services and have been designated as Public Facility in the City's Comprehensive Plan. Changing the zoning to PI will bring the zoning map into alignment with this designation and more accurately reflect the public role of the property.

The rezoning also supports the City's plan to construct a new Public Safety and Maintenance (PSM) Facility on the site. This facility will replace aging buildings and bring together several City services, including:

- Police Department and Emergency Management,
- Public Works Maintenance and Operations,
- Information Technology and Geographic Information Systems, and
- Customer service functions.

By consolidating these services in a single purpose-built facility, the City can improve efficiency, strengthen emergency response, and ensure reliable delivery of essential public services. The benefits of the proposed zoning change include;

- **Consistency with long-term planning:** The Comprehensive Plan already identifies these parcels as Public Facility, making PI the most appropriate zoning designation.
- **Support for public health and safety:** A modern facility will enhance the City's ability to serve the community, especially during emergencies.
- **Clear and predictable standards:** Applying a single zoning classification avoids conflicts between residential and commercial rules, creating a straightforward regulatory framework for design and permitting.
- **Compatibility with neighbors:** The PI zone provides a transition between surrounding residential and commercial areas. Landscaping, setbacks, and design standards will ensure the facility fits sensitively into its surroundings.

Rezoning the City Hall and Public Works parcels from CO and R-8.4 to PI is a logical and necessary step to support Mercer Island's future. It reflects the long-standing civic role of the site, allows for

the development of a Public Safety and Maintenance Facility, and ensures that the property will continue to serve the community's health, safety, and operational needs well into the future.

## 9601 and 9611 SE 36<sup>th</sup> Street Reclassification (Rezone) of Property Criteria Compliance Narrative

---

The City of Mercer Island is proposing to rezone Parcels 2655500075 and 2655500185, which are the site of City Hall and the Public Works Maintenance and Operations facilities. Parcel A (2655500075), the City Hall site, is currently zoned Commercial Office (CO). Parcel B (2655500185), the Maintenance and Operations site, is zoned Residential (R-8.4) and Commercial Office (CO).

The following Criteria Compliance Narrative demonstrates how the proposed rezone complies with the approval criteria set forth in [MICC 19.15.240.C.1-6](#).

### 1. MICC 19.15.240.C.1

The proposed reclassification is consistent with the policies and provisions of the Mercer Island Comprehensive Plan.

#### Response:

The proposed rezone is consistent with the Mercer Island Comprehensive Plan. The Future Land Use Map designates both parcels (2655500075 and 2655500185) as Public Facility, which represents land intended for civic and institutional uses, including City Hall, public safety facilities, and municipal services ([Ordinance 24C-16](#), Land Use Element, p. 102 ). Rezoning the properties from CO and R-8.4 to PI brings the zoning into direct alignment with this designation and reflects both the current and planned public use of the property.

The rezone is necessary to support development of a new Public Safety and Maintenance (PSM) Facility, which will replace the aging City Hall and Public Works buildings with a modern complex housing the City's Police Department, Emergency Management, Public Works Maintenance and Operations, GIS, IT, and Customer Service staff. Consolidating these services in a purpose-built facility ensures efficient land use and reliable delivery of essential public functions.

The Comprehensive Plan provides clear policy direction for this outcome:

- Capital Facilities Element, Goal 1 (p. 183): Ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of service. This goal calls for supporting essential public facilities that maintain community safety, health, and livability, directly aligning with the siting of the new PSM Facility.
- Capital Facilities Element, Goal 2 (p. 185): Plan for and replace aging and obsolete public buildings to ensure reliable and efficient delivery of essential services. The proposed replacement of City Hall and the Public Works buildings with the PSM Facility fulfills this goal by addressing outdated infrastructure and providing resilient, long-term civic facilities.

Together, the Public Facility land use designation and the Capital Facilities goals demonstrate that the proposed rezone is fully consistent with the policies and provisions of the Comprehensive Plan.

## 2. [MICC 19.15.240.C.2](#)

The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in [MICC 19.01.010](#).

### Response:

The proposed rezone is consistent with the purpose of the Mercer Island Development Code as set forth in [MICC 19.01.010](#), which establishes the framework for protecting and promoting the public health, safety, and general welfare; implementing the Mercer Island Comprehensive Plan; and ensuring that land use regulations guide development in a manner consistent with the Growth Management Act.

Rezoning Parcels 2655500075 and 2655500185 to PI achieves these purposes by:

- **Implementing the Comprehensive Plan:** The Comprehensive Plan designates the subject properties as Public Facility, intended for civic and institutional uses such as City Hall, public safety facilities, and municipal services. Rezoning to PI aligns the zoning with this designation.
- **Promoting health, safety, and welfare:** The rezone enables construction of a new PSM Facility, which will consolidate Police, Emergency Management, GIS, IT, and Public Works Maintenance and Operations into a modern, resilient facility that directly supports public health and safety.
- **Providing predictable and efficient regulation:** Applying a single zoning classification (PI) to both parcels ensures consistent development standards and avoids conflicts between multiple zoning designations. The PI development standards in [MICC 19.05.010](#) apply uniformly, and [MICC 19.05.010\(C\)](#) requires compliance with applicable sections of [Chapter 19.11 MICC](#), Town Center Development and Design Standards, which provide context-based design guidance. This ensures that the facility will be reviewed under clear, consistent, and well-established standards that reflect the City's expectations for civic development.

Accordingly, the rezone supports the overarching purpose of the Mercer Island Development Code by aligning land use regulation with adopted plans, protecting community welfare, and facilitating efficient public service delivery.

## 3. [MICC 19.15.240.C.3](#)

The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

### Response:

The proposed rezone represents a logical transition between zoning districts and provides consistency for the City's primary civic campus. The subject parcels currently contain City Hall and the Public Works Maintenance and Operations facilities—longstanding municipal uses designated as Public Facility in the Comprehensive Plan Future Land Use Map. Rezoning these parcels to PI aligns the zoning with both the adopted land use designation and the established civic function of the site.

The rezone also eliminates the existing split-zoning condition (CO and R-8.4) on Parcel B, which does not reflect the actual or intended public facility use of the property (Figure 1). Applying a uniform PI zoning classification to both parcels creates a cohesive zoning

framework that avoids regulatory conflicts and provides consistent development standards for the design and permitting of the new PSM Facility.

From a land use pattern perspective, the PI zone serves as an appropriate transition between zoning districts:

- To the north, Parcel A fronts SE 36th Street and is adjacent to CO zoning, which is compatible with the PI zone given the shared emphasis on employment, service delivery, and larger building forms.
- To the south, Parcel B abuts SE 40th Street and is adjacent to R-8.4 zoning. The PI designation provides a civic buffer between higher-intensity municipal uses and the surrounding low-density residential neighborhood.
- To the east and west, the parcels are also bounded by CO and R-8.4, further reinforcing the appropriateness of the PI zone as a unifying classification that bridges residential and commercial contexts.

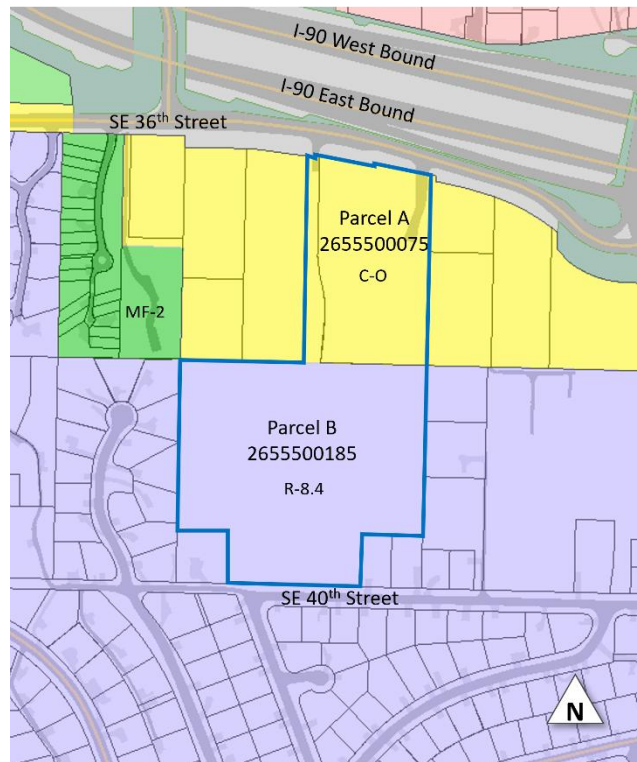


Figure 1 Zoning Map

The PI zone includes development and design standards in [MICC 19.05.010](#) and [Chapter 19.11 MICC](#), which ensure compatibility of scale, setbacks, landscaping, and design treatment where public facilities interface with residential uses.

By rezoning both parcels to PI, the City creates a clear, predictable, and context-sensitive transition between commercial and residential areas while formalizing the long-established role of this site as Mercer Island’s civic and operational hub.

#### 4. [MICC 19.15.240.C.4](#)

The proposed reclassification does not constitute an illegal site-specific rezone.

##### Response:

The proposed rezone to Public Institution (PI) does not meet any of the legal characteristics of an illegal site-specific or “spot” rezone under Washington case law. The fact that a rezone application will only apply to one or two lots does not make it a per se illegal spot zone. *Save Our Rural Env't v. Snohomish Cnty*, 99 Wn. 2d 363, 368, 662 P.2d 816, 818–19 (1983). An illegal spot zone is a quasi-judicial decision that singles out a small area from a larger district and specifically zones it for a use classification completely different and not in accord with the comprehensive plan – the reclassification is not related to the general plan for the community as a whole. *Anderson v. City of Seattle*, 64 Wn. 2d 198, 199–200, 390 P.2d 994, 995 (1964). The main inquiry for decision makers is “whether the zoning action bears a substantial relationship to the general welfare of the affected community.” *Save Our Rural Env't*, 99 Wn. 2d at 368.

An illegal spot zone has some or all of the following characteristics:

- carves a small area out of larger zoning district;
- allows uses of the smaller area that are inconsistent with uses allowed in the remaining larger zoning district;
- allows a use of the smaller area that is not in accord with Comprehensive Plan;
- is merely for the private gain of one or a group of owners to the detriment of their neighbors without adequate public advantage or justification; and
- has no substantial relationship to the public health, safety, and general welfare.

*Anderson v. City of Seattle*, 64 Wn. 2d 198, 390 P.2d 994 (1964); *Willapa Grays Harbor Oyster Growers Ass'n v. Moby Dick Corp.*, 115 Wn. App. 417, 62 P.3d 912 (2003).

None of these conditions apply here.

The rezone involves two contiguous, City-owned parcels that already function as a unified civic campus. The action does not isolate a small property within a larger zoning district or create an island of inconsistent zoning. The proposed PI zoning is compatible with the surrounding CO zoning, which permits government services outright under [MICC 19.04.020\(A\)\(1\)](#). Government services are also allowed in the R-8.4 zone through a conditional use permit ([MICC 19.02.010\(C\)\(1\)\(a-c\)](#)) demonstrating that such uses are not foreign or incompatible within the broader zoning framework.

The rezone is fully consistent with the Comprehensive Plan. Both parcels carry the Public Facility designation on the Future Land Use Map ([Ordinance 24C-16](#)). The PI zone directly implements this designation by aligning zoning with longstanding and future public uses, including City Hall, Public Works Maintenance and Operations, and the planned PSM Facility.

The rezone confers no private gain; it exists solely to support essential government operations. The action facilitates a consolidated public facility that improves emergency response, operational efficiency, infrastructure resilience, and continuity of government services. These are clear and substantial public health, safety, and welfare objectives and reflect the core rationale for the rezoning.

In summary, the proposed reclassification is a lawful, plan-consistent, publicly beneficial zoning action that exhibits none of the characteristics of an illegal site-specific or spot rezone. It advances the Comprehensive Plan, aligns zoning with long-standing civic uses, and serves the broader public interest.

#### 5. [MICC 19.15.240.C.5](#)

The proposed reclassification is compatible with surrounding zones and land uses.

##### **Response:**

The proposed rezone is compatible with surrounding zones and land uses. The subject parcels currently house City Hall and the Public Works Maintenance and Operations facilities, both of which are long-standing civic uses that have coexisted compatibly with adjacent residential and commercial areas for decades. Rezoning to PI formalizes this civic use and ensures continued compatibility with surrounding zoning districts through the application of consistent development standards.

Based on the Zoning Map (Figure 1):

- To the north, the site abuts CO zoning across SE 36th Street. The PI zone is compatible with CO, as both accommodate larger building forms, structured parking, and employment or service-related uses.
- To the south, Parcel B abuts R-8.4, a low-density single-family zone. The PI zone provides an appropriate civic transition between municipal functions and residential neighborhoods. Compatibility will be reinforced through site design standards, landscaping, and buffering as required by [MICC 19.05.010](#) and [Chapter 19.11 MICC](#) .
- To the east and west, the parcels are bordered by a mix of R-8.4 and CO zones, demonstrating the site’s role as a transitional location between commercial corridors and residential neighborhoods.

The PI zone is specifically intended to accommodate government and institutional uses that serve the community and is applied in multiple locations across Mercer Island where public facilities are located adjacent to residential and commercial districts. For this reason, the proposed rezone both reflects the existing civic land use pattern and ensures long-term compatibility with surrounding zones and land uses.

#### 6. [MICC 19.15.240.C.6](#)

The proposed reclassification does not adversely affect public health, safety and welfare.

**Response:**

The proposed rezone does not adversely affect public health, safety, or welfare. In fact, it directly supports these objectives by enabling the replacement of outdated municipal facilities with a modern PSM Facility designed to enhance the City’s ability to deliver essential services.

The rezone from CO and R-8.4 to PI is consistent with the Public Facility designation in the Comprehensive Plan and allows the City to consolidate Police, Emergency Management, GIS, IT, and Public Works Maintenance and Operations in a single, purpose-built facility. This consolidation will improve service coordination, emergency response times, and overall operational efficiency, thereby advancing public safety and welfare.

This outcome is directly supported by the Comprehensive Plan’s Capital Facilities Element, Goal 1 ([Ordinance 24C-16](#), p. 183): “Ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of service.” By providing essential public facilities that maintain community safety, health, and livability, the proposed rezone implements this core policy directive.

Additionally, the PI zone requires compliance with [MICC 19.05.010](#) development standards and applicable sections of [Chapter 19.11 MICC](#), which ensure compatibility with surrounding land uses through site design, landscaping, and buffering. These standards further protect community health, safety, and welfare by requiring context-sensitive design.

By aligning zoning with the Comprehensive Plan, facilitating construction of resilient public facilities, and ensuring adherence to adopted development standards, the proposed rezone will have a positive, rather than adverse, effect on public health, safety, and welfare.