Molly McGuire

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Tuesday, October 13, 2026 7:34 PM
To: Molly McGuire
Subject: Fwd: JCC - Against the Rezone of the JCC, FASP & 4 properties to CO/CO District (which it is neither) and

RE Reclassification of Property (Rezone) to reclassify King County Parcel Nos 265500137, 2655500136, 265500132, and a portion of 2655500115 from Single Family Residential R-8.4 & R9.6 to Commercial Office.

- It seems like the citizens could only submit suggestions for The Comprehensive Plan from September 1st to October 1st, but the JCC might have asked the City for a special request, I don't know where one stands with their update to The Comprehensive Plan which would need doing before they can apply for a rezone. Do you know?
- And I don't know if you are aware of the history, but the SJCC has been asking for years to rezone their property and the JCC members have been buying up property on the perimeter to add to their existing Community Center. They tried to obtain a new zone called a Private Community Facilities Zone, but were not allowed. And the City stated back then: "The current process will not result in the approval of a specific development project." So, if they were referring to the rezone back then as a "specific development project", then is it not a specific development project that they are asking for which is to ask to have the SJCC, French American School and 4 residential homes put into one and ask for a rezone of all the 3 properties, not just the SJCC property. (specific development project). Therefore, it is deemed a "specific development project" which is deemed a spot zone.
- Under III. Zoning and Comprehensive Plan Designations 15. Comprehensive Plan Policies, it has "Parcel 2655500115 is within the Commercial Office designation. "The commercial office land use designation represents commercial areas within Mercer Island, located outside of the Town Center where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc) are also generally supported within this land use designation" EXCEPT the JCC is not offering any commercial office (it is a charity) and it is not offering any healthcare uses, or places of worship, what it is offering is a gym, swimming pool, kindergarten, theater, cafe, nothing to do with "healthcare uses" or "places of worship," even the definition of "healthcare uses" does not mean a gym or exercise classes," and the policy in the Comprehensive Plan specifically states "predominantly commercial" when there is absolutely no commercial.
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- Have you or anyone ever heard of a rezoning which is a legal process to change the permitted use of a property to match the intended use? EXCEPT Commercial Office by definition means "Commercial Office," for which they are not offering any Commercial office or any commercial anything, so the use of Commercial Office not their intended use, and it states that "if you are not proposing to operate a commercial office, the planning department will generally not approve a rezoning to "commercial office" district because the application must align with the proposed use." And you might want to explain what the difference is between "Commercial Office" and "Commercial Office District." Is this not a C**ommercial Office District** or is it a **Commercial Office** offering zero commercial **within a Commercial District** which the SJCC, school building and 4 residential homes be zoned into a **Commercial Office District versus Commercial Office.** What differentiates a district from just Commercial Office?
- You see, under RCW 64.06.005, it defines "**commercial real estate**" in the same way as RCW 60.42.005 which includes property used for business activities such as offices, retail, and services." Whereas, in practice, "**Commercial office"** can describe any building or parcel zoned for commercial use that houses office operations, regardless of location" for which the SJCC offers absolutely no office operations.
- And the JCC rents out a school building to the FASP which I assume is a charity and not a commercial venture, you might want to check what it is, and with regards to the 4 houses on the perimeter, JCC members I believe have been purchasing those to add to the Commercial Office zone, as they are just regular houses, nothing to do with any commercial venture. Please ask the JCC about that.
- And when Transpo did their report, they based the proposed development off a Commercial building because that is what it has in the Code for Commercial Office, therefore that Transpo Study should be shelved because they did not base the information off the usage that the SJCC wants them to go off, they based it off what the MICC Code has for CO which is Commercial Office use.
- She is making out that if there is a Level of Service downgrade with this potential enlargement, that that "can be mitigated," but Evan Maxim told me outright that a project can be shelved if a development will cause an LOS downgrade. And it has under GMA RCW 36.70A.110 and WAC 365-196-320 "a downgrade is a formal finding that the project does not meet the GMA's service standards. This can lead to the project being denied approval or withheld from proceeding under the applicant can address the deficiencies. And if the project is approved but the downgrade is later found, it can be challenged in Growth Management Hearings Board proceedings, but the initial downgrade is a strong basis for halting or modifying the project.

- So, in summary, you have "**Commercial Office"**, general planning to describe property zoned for office use, but not necessarily a formal zoning district name; then you have "**Commercial Office District,"** a formal zoning district in a City's code often with a specific letter like "CO" that list permitted uses, building limits and parking requirements; and then you have "**Commercial Office Zone**" a broad zoning category grouping multiple districts or sub-zones that allow office uses, which is what it says on the WA State Department of Commerce's website, except there is
- So basically, the JCC is asking for you to approve combining the current JCC kindergarten, theater, gym, and swimming pool which is a charity organization into a commercial office zone, by adding the French American School and 4 houses into the commercial office zone which is not necessary to rezone those additional properties and when actually the Commercial Office Zone is not the correct zone at all as there is no commercial, let alone "predominant Commercial Office," and nor are the 4 houses going to be commercial ventures, nor is the French American School.
- It has "Element 2 - Land Use, Land Use Issues, Outside the Town Center. " It has ..."The development standards in the Commercial Office zoning designation ensure compatibility with the surrounding residential areas by requiring screening and setbacks from residentially developed properties EXCEPT, you might want to ask the JCC what they meant by "isolating two properties" which the poor neighbors haven't got a clue as to what they mean and requiring screening and setbacks," does that mean isolating the houses from the JCC which are not isolated currently. What happens when the neighbors find out that they have been isolated because of the JCC's venture to rezone to Commercial Office?
- And what really concerns me is Motion ID 3-C MICC 19.15.230(F)(2)(a). There are some residentially designated properties to the west of the subject site situated between the Public Institution and Commercial Office designations and "WOULD ISOLATE A POCKET OF RESIDENTIALLY DESIGNATED PARCELS IN THE SOUTHEAST PORTION OF THE BLOCK SHARING A COMMON PROPERTY LINE WITH THE SUBJECT SITE."

  The property owners of that residentially designated parcels NEED TO BE TOLD WHAT THEY MEAN BY "ISOLATION." They have lived with the JCC for over 50 years, what are they going to do differently that would isolate them? Like would they block their entryway, put up a fence to isolate them? And I don't know what they mean by "remnant residential areas and their viability." Please ask what on earth they meant by "remnant residential and their viability." Are they trying to make out that the four houses that they purchased are "remnant residential and not viable?" Did the City declare them that or did the SJCC?

- And Element 2 - Land Use, it has: "The proposed rezone would allow compatible uses such as education, recreation, government, social services, and religious activities through the allowed uses in the Commercial Office designation EXCEPT out of all those choices, the only thing they are offering is education.
- And on page 6 of the Staff Report, it references
- "The proposed rezone would allow for the development of a public or private school, under the allowed uses in the Commercial-Office zoning designation. The Commercial-Office zoning designation also allows civic and social organizations, which are defined in MICC 19.16.010 as "[o]rganizations primarily engaged in promoting the civic and social interests of their members. Illustrative examples include alumni associations, fraternal lodges, granges, and social clubs".
- EXCEPT if you look at MICC 19.16.010 I can't find the definition they are quoting in that MICC 19.16.010 Definitions, show me where they got this quote from: "MICC 19.16.010 as "[o]rganizations primarily engaged in promoting the civic and social interests of their members."
- And if you look at the definition under 19.16.010 for "Commercial Zone", it has: "Any area located within a Town Center, business, planned business or multifamily zone, or any area located on property in a single-family zone containing a residential use" nothing about what they are saying it states.
- And C. page 8 of Staff Report, it has:" The northern portion of parcel 2655500115 is currently designated "Commercial Office, as well as the three properties to the west of this parcel," out of interest are any of those parcels actually commercial office? If so, then that makes sense for them to be deemed "commercial office" and "predominantly commercial office", please ask them what are those 4 parcels.

And this is a spot zone and an illegal spot zone as such. They mention "past case law has determined that an illegal site-specific rezone (spot zone) singles out a small area from a larger area or district," please ask them for the case law which states that. You see, it has in Washington State, if a city allows one property owner to develop a parcel but denies similar development to others in the same area, that is generally considered "spot zoning" and it can be invalid if it is inconsistent with the city's comprehensive plan." And the WA Attorney General's Office has also confirmed that rezonings for a single owner's benefit which in this case is the SJCC, that the plan are spot zoning and unlawful. So, once again, I would like to know if let's say, the Beach Club, the Community Center, the Yeshiva, the Country Club, the schools on the island asked for their properties to be rezoned "Commercial Office" in which none of them provide "Commercial Office" anything, would they also be allowed to rezone to Commercial Office? And if you are not going to allow the other schools, clubs and other community center to be rezoned "Commercial Office" without offering any commercial office, then that means that the SJCC is a spot zone. So please explain why it is not.

And with regards to the zoning changes must serve the public interest, not just one owner's advantage, currently, the SJCC does already serve the public interest by offering kindergarteners classes, a gym, a swimming pool, a theater to watch films/theater, and has a cafe which is not

mentioned under Commercial Office as being one of the permitted uses, so you might want to ask them about whether they will have a cafe in their proposed education center and will it be a non-profit/charity or commercial endeavor.
The SJCC is asking to rezone to commercial but offer no commercial anything, not even office space. The city loses property taxes on 4 single family homes. And the neighbors suffer because they will have to look at a huge building which could very well be up to 3 times the size of the current JCC, and will be "isolated" according to what they told the Planning Commission, and excluding the French American School and the 4 single family houses.

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- that under Mercer Island's **2024–2044 Comprehensive Plan** is the city's long-range land use and development framework, adopted by Ordinance No. 24C-16 in November 2024 Mercer Island, Washington. It sets goals and policies for land use, growth, transportation, utilities, and economic development over the next two decades, in compliance with the Washington State Growth Management Act EXCEPT it has for Commercial Office which the JCC has asked to be rezoned to, it has: **Commercial Offices (C-O)** – No minimum lot size; designed for office uses." "Designed for office uses" EXCEPT the JCC is not going to have any office space, none at all. So, either the Comprehensive Plan needs to be changed and not have "designed for office uses" or the JCC has to have another zone for their education campus and club as they are not offering any commercial office uses.
- **In summary:** Mercer Island's Comprehensive Plan supports commercial office zoning through designated zones like C-O, B, PBZ, and TC, with no minimum lot size requirements for offices. The plan's Land Use Element sets growth targets, compatibility policies, and action plans to guide future office development in alignment with the city's long-term goals." And this needs to be changed because it is not in alignment with the city's long-term goals, not when they are not planning on offering any office development and taking housing away.
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- Do you understand how they can state in their narrative that "there is no current development proposal that is being submitted to the City" but then they are showing everyone the design above ? Does this large mass look like it would be compatible with a single family house? Just as a comparison, the Community Center for the whole island is 45,000 sq ft which is one-third of the size of this proposed development.
- And it goes on to say: "However, a new SJCC will meet the objectives of the CO designation while upholding the interests of the neighbors, preserving the neighborhood character," and significantly improving the community and user experience" EXCEPT it is not upholding the interests of the neighbors because every single neighbor has spoken out against the proposal

and the JCC has done nothing to "preserve the neighborhood character", that is a joke, and buying up single family properties to add to the SJCC is not adding character or improving the community and user experience," it is making the development out-of-scale relative to the surrounding area and not conducive to a quiet neighborhood.

- And I don't understand why they refer to the SJCC as "aging facilities" when it was in 2014 that they remodeled and created the state-of-the art Theater. In 2014, they built this beautiful performance hall, so are they trying to tell everyone that that newly-built performance hall is at the "end of its useful life" in just over 12 years? I went to a performance not so long ago and I was still impressed with it as I was in 2014.
  New performance hall at SJCC offers both art, opportunity | Mercer Island Reporter "The new facility features nine skylights, blackout shades for films during the day and hearing loop system for senior citizens and the hearing impaired. An adjacent foyer can double as a multi-purpose space, featuring play structures for kids during the day and then transforming into a reception space for events. The room it opens to will serve as JCC's library and a magnetic wall can hold rotating artwork, posters and other exhibits." What do they mean exactly by "aging facilities?" It is state of the art and only 12 years old, not by any stretch of the imagination as "aging facility.
- And they told their members that it would cost $25 million to bring their facilities up to ADA compliant, but for a few million dollars at most, they could install an elevator, and for a few million more dollars at most, they could install a brand new HVAC system. So please ask them what exactly would be required to make their current facility ADA compliant and how did they arrive at the $25 million price tag.

It would be nice if the Hearing Examiner, SJCC, neighbors, and City staff all met at the SJCC and went around and asked Amy Lavin what the plan was and how big the facility is going to be because it is not a question of just the current SJCC building which houses the kindergarten, theatre, gym, and swimming pool, but they want to merge the French American School and four houses as one big education campus which is just out-of-proportion to the residential neighborhood. And this business of converting the SJCC, FASP and four houses into one Commercial Office offering zero commercial, and creating a Commercial Office District which it is going to be should you allow them to rezone, and the other Community Center on the island is deemed both PI and Residential-15 and Residential-15 is the more appropriate zone for the JCC, moreso than PI or CO. The City staff for whatever reason did not inform the Planning Commission that there was actually another choice as opposed to CO, perhaps, you should ask the City staff and lawyer why they deliberately never informed the Planning Commission of the fact that the other Community Center on the island has a different zone and why did no-one notify the Planning Commission of the fact. And do you not think that Residential-15 is a better category than CO which offers absolutely no commercial anything and creates a massive campus which is way out of proportion to the residential community surrounding it and why do they have to merge four single properties to CO and can anyone else on the island do the same as the SJCC - merge some properties together, have it rezoned to CO, and then offer no commercial office, but instead, create an education campus/facility regardless of what the neighbors say about it? And you need to clarify why the SJCC is allowed to rezone when none of the other similar clubs/schools on the island are not allowed to rezone their clubs/schools to CO?

You just need to make sure that should the SJCC get approval to rezone their current kindergarten school, gym, theater, cafe, and swimming pool, and throw in four single-family

houses, that they are the only ones who are allowed to rezone, or does it apply to all the other schools/gym and other community center? And if every other club/school/community center is allowed to be rezoned, does that mean that they will be allowed to have the same things as the SJCC and call that Commercial Office and not offer one commercial anything? Does this not set a precedent?

Thank you for your consideration. Please get answers.

Sarah Fletcher