COMMUNITY PLANNING & DEVELOPMENT
206.275.7605
www.mercerisland.gov/cpd
9611 SE 36th St, Mercer Island, WA 98040

STAFF REPORT AND RECOMMENDATION

RZN25-002

Project Number:	RZN25-002
Project Name:	Stroum Jewish Community Center (SJCC) Comprehensive Plan Amendment
Review Type:	Quasi-judicial; Type IV
Description:	A request for a Reclassification of Property (Rezone) to reclassify King County Parcel Nos. 2655500137, 2655500136, 2655500132, and a portion of 2655500115 from Single-Family Residential R-8.4 & R-9.6 to Commercial Office (C-O).
Applicant/Owner:	Amy Lavin (Stroum Jewish Community Center) / Stroum Jewish Community Center (SJCC)
Address:	3801 E Mercer Way, 9824 SE 40th St, 3975 99th Ave SE, and 3795 E Mercer Way, Mercer Island, WA 98040; identified by King County Assessor's Parcel Numbers: 2655500137, 2655500136, 2655500132, and 2655500115
Zoning Designation:	R-8.4; R-9.6
Staff Contact(s):	Jeff Thomas, Community Planning and Development Department Director Molly McGuire, Senior Planner

Key Project Dates:

Date of Application:	December 11, 2025
Determined to be Complete:	January 6, 2026
Notice of Public Hearing Bulletin Published:	September 14, 2026
Notice of Public Hearing Mailed:	September 14, 2026
Notice of Public Hearing Posted on Site:	September 14, 2026
Notice of Public Hearing Published in Newspaper:	September 16, 2026
Date of Open Record Public Hearing:	October 19, 2026

Exhibits:

1. Staff Report, dated October 19, 2026
2. Development Application, received by the City of Mercer Island on December 11, 2025
3. Title Report for Parcel No. 2655500132
4. Title Report for Parcel No. 2655500137 and 2655500136
5. Title Report for Parcel No. 2655500115
6. Project Narrative
7. Vicinity Map
8. Reclassification of Property Criteria Compliance Narrative
9. Additional Applicant Materials Memorandum, received October 2, 2026
10. Memorandum – 3801 E Mercer Way Rezone Potential Trip Generation Review prepared by Transpo Group, dated February 10, 2026
11. Memorandum – Trip Generation for Maximum Development Capacity, prepared by Transpo Group, dated October 2, 2026

12. Determination of Complete Application, issued by the City of Mercer Island on January 6, 2026
13. Zoning Map, generated by the City of Mercer Island on March 5, 2026
14. Proposed Zoning Map, generated by the City of Mercer Island on October 1, 2026
15. Notice of Public Hearing, issued by the City of Mercer Island on September 14, 2026
16. Notice of Public Hearing, published in the Mercer Island Reporter on September 16, 2026
17. Public Comments for RZN25-002
    - 17.1. Dan Goldman, received September 17, 2026
    - 17.2. Barbara Prince, received October 1, 2026
    - 17.3. Chloe Frader, received October 1, 2026
    - 17.4. Devorah Gamoran, received October 1, 2026
    - 17.5. Erin Krawiec, received October 1, 2026
    - 17.6. Jon Newman, received October 1, 2026
    - 17.7. Lea Fields, received October 1, 2026
    - 17.8. Leanne Gordon, received October 1, 2026
    - 17.9. Lynne Smith, received October 1, 2026
    - 17.10. Nancy Gordon, received October 1, 2026
    - 17.11. Rebecca Backow, received October 1, 2026
    - 17.12. Robert Mund, received October 1, 2026
    - 17.13. Robin Calderon, received October 1, 2026
    - 17.14. Ronald Leibsohn, received October 1, 2026
    - 17.15. Ashley Frizzell, received October 2, 2026
    - 17.16. Doris Lofton, received October 2, 2026
    - 17.17. Elaine Kraft, received October 2, 2026
    - 17.18. Ellen Rosenstein Brin, received October 2, 2026
    - 17.19. Garrett Hyman, received October 2, 2026
    - 17.20. Jerry Kavesh, received October 2, 2026
    - 17.21. Jessica Bogin, received October 2, 2026
    - 17.22. Jessica Prince, received October 2, 2026
    - 17.23. Laurie Koehler, received October 2, 2026
    - 17.24. Mark Clausen, received October 2, 2026
    - 17.25. Mindy Goldberg, received October 2, 2026
    - 17.26. Mindy Stern, received October 2, 2026
    - 17.27. Mitch Buder, received October 2, 2026
    - 17.28. Nancy Etsekson, received October 2, 2026
    - 17.29. Stan Rosen, received October 2, 2026
    - 17.30. Steven Doma, received October 2, 2026
    - 17.31. The Treves Family, received October 2, 2026
    - 17.32. Virginia Howse, received October 2, 2026
    - 17.33. Yolanda Agress, received October 2, 2026
    - 17.34. Joseph L. Schocken, received October 3, 2026
    - 17.35. Sam and Joni, received October 3, 2026
    - 17.36. Karen Roberts, received October 4, 2026
    - 17.37. Melissa Benaroya, received October 4, 2026
    - 17.38. Charlotte Grist, received October 5, 2026
18. Applicant Response to Public Comments between September 14 and October 2, received October 4, 2026

19. Public Comments Received During the Public Comment Period for CPA25-002, submitted by the Applicant on October 2, 2026
20. SEPA Checklist, dated November 20, 2025
21. SEPA Determination of Nonsignificance, issued by the City of Mercer Island on June 22, 2026

I. APPLICATION OVERVIEW

1. Project Overview: A request for a Reclassification of Property (Rezone) to reclassify King County Parcel Nos. 2655500137, 2655500136, 2655500132, and a portion of 2655500115 from Single-Family Residential R-8.4 & R-9.6 to Commercial Office (C-O) within the Zoning Map in Appendix D, MICC (**Exhibit 14**).
2. Location: The subject properties are located at 3801 E Mercer Way, 9824 SE 40th St, 3975 99th Ave SE, and 3795 E Mercer Way, situated in the Southeast Quarter of Section 7, Township 24, and Range 5, in the City of Mercer Island, King County, WA 98040.
3. Access: Access to the subject properties is from E Mercer Way.
4. Existing Conditions: King County tax parcel 2655500137 contains the two-story, 88,362 square foot Stroum Jewish Community Center building, which was constructed in 1969 and includes facilities for various activities including an auditorium, fitness center, indoor pool, and most of the parking for the site. Tax parcel 2655500115 contains the French American School, which is a two-story, 31,815 square foot building constructed in 2005. Tax parcel 2655500136 is developed with landscaping, picnic tables, and hardscape. Finally, tax parcel 2655500132 contains a two-story, 1,860 square foot, single-family residence constructed in 1986. Tax parcels 2655500137, 2655500115, and 2655500136 all appear to be integrated in their daily operations as the Stroum Jewish Community Center site.
5. Contact Information:

Project Contact:	Applicant:	Engineer:
Amy Lavin, SJCC 3801 E Mercer Way, Mercer Island, WA 98040 (206) 232-7116 amyl@sjcc.org	Stroum Jewish Community Center	N/A

6. Terms Used:

Term:	**Refers to, unless otherwise specified:**
Applicant	Stroum Jewish Community Center
Proposed development	Reclassification of Property (Rezone) to reclassify King County Parcel Nos. 2655500137, 2655500136, 2655500132, and a portion of 2655500115 from Single-Family Residential R-8.4 & R-9.6 to Commercial Office (C-O) with Appendix D, MICC.
Subject property, site	The subject property or site where the proposed development is located as defined in this staff report
City	City of Mercer Island
MICC	Mercer Island City Code
Code Official	City of Mercer Island Community Planning and Development Director or a duly authorized designee

SJCC	Stroum Jewish Community Center
RZN	Rezone

II. PROCEDURE AND NOTICE REQUIREMENTS

7. Review Type: Applications for site-specific rezones are required to be processed consistent with the requirements in MICC 19.15.260. The Hearing Examiner shall hold the open record public hearing for this proposal for a site-specific rezone. Following the completion of the open record public hearing, the Hearing Examiner shall consider the proposed amendment for conformance with the criteria as listed in MICC 19.15.240(C), the Comprehensive Plan, and other applicable development standards (MICC 19.15.260(C)(1)). The Hearing Examiner shall make a written recommendation on the review to the City Council (MICC 19.15.260(C)(2)). The City Council shall consider the Hearing Examiner's recommendation and issue a decision on the application as a closed record review. The City Council may adopt or reject any portion of the Hearing Examiner's recommendation (MICC 19.15.260(C)(3)).

8. Application: The application for the proposed Rezone was submitted on December 11, 2025. On January 6, 2026, the application was deemed complete for the purposes of review, pursuant to MICC 19.15.070 (**Exhibit 12**).

9. Notice of Application and Public Hearing: The City issued a combined notice of application and public hearing for the proposed Rezone on September 14, 2026, consistent with the provisions of MICC 19.15.260. Notice was provided using the following methods: a mailing sent to the neighboring property owners within 300 feet of the subject property; a notice sign posted on the subject property in a location visible to the public right-of-way; publication in the City's weekly permit bulletin on September 14, 2026; and made available to the general public upon request (**Exhibit 15**). The notice of application and public hearing was also published in the Mercer Island Reporter, a newspaper of general circulation, on September 16, 2026, as required in MICC 19.15.260 (**Exhibit 16**).

10. Opportunities for Public Comment: The issuance of the notice of application began the 30-day public comment period. However, the City accepts comments at any time prior to open record public hearing before the hearing examiner. Written comments that were received during the public comment period, between the issuance of the Notice of Public Hearing and the submittal of this Staff Report, are included in **Exhibit 17.001** through **17.038.**

11. Response to Public Comment: While the City accepts public comments at any time prior to the open record pre-decision hearing, common practice is to request that the applicant provides responses only to those public comments received during the 30-day public comment period. The code does not require the applicant to respond to any public comments received. The applicant provided responses to the public comments received during the public comment period through the submission of this Staff Report. The Applicant's responses to such public comments are included within **Exhibit 18**.

12. State Environmental Policy Act (SEPA) Review: The Applicant submitted a SEPA checklist on December 11, 2025 (**Exhibit 20**)**.** A SEPA Determination of Non-significance (DNS) was issued on June 22, 2026, following the DNS process in WAC 197-11-340 (**Exhibit 21**). The comment period ended on July 6, 2026 and no comments or appeals were filed.

13. Public Hearing: Pursuant to MICC 19.15.260, an open record public hearing before the hearing examiner is required for the proposed Rezone. A combined notice of application and notice of

public hearing was provided to the public as described in MICC 19.15.260 (**Exhibit 15 & 16**). The open record public hearing will take place before the Hearing Examiner on October 19, 2026.

III. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS

14. Site Zoning and Land Use: Parcel 2655500137 is currently split-zoned Single-Family Residential (R-8.4) and Single-Family Residential (R-9.6). Parcels 2655500136 and 2655500132 are zoned Single-Family Residential (R-8.4). Parcel 2655500115 is split-zoned Single-Family Residential (R-9.6) and Commercial Office (C-O). A site zoning map can be found in **Exhibit 13**. Pursuant to MICC 19.01.040(G)(2), where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, OS, PI, PBZ, C-O, TC, and B. Therefore, parcels 2655500137 and 2655500115 are deemed located in the R-9.6 zone pursuant to MICC 19.01.040(G)(2).

15. Comprehensive Plan Policies: The Comprehensive Plan, adopted by the City Council in 2024, contains a Land Use Map, which designates parcels 2655500137, 2655500136, and 2655500132 as Single-Family Residential. The single-family residential land use designation represents areas within Mercer Island where development will be predominantly single-family residential neighborhoods. Complementary land uses (e.g., private recreation areas, schools, home businesses, public parks, etc.) are generally supported within this land use designation. 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.

    This Rezone application has been accompanied by a proposal for a Comprehensive Plan Amendment to redesignate all of the subject parcels from Single-Family Residential to Commercial Office within the Comprehensive Plan Land Use Map. The City Council completed first reading of the Ordinance to redesignate the parcels on September 1, 2026.

16. Adjacent Zoning and Comprehensive Plan Designations:

Direction and Current Development	Zoning	Comprehensive Plan Designation
North; SE 36th St and E Mercer Way	Public Institution (PI)	Linear Park (I-90)
East; Single-Family Residences and E Mercer Way	Single-Family Residential R-9.6	Single-Family Residential
South; SE 40th St and Single-Family Residences	Single-Family Residential R-8.4 and R-9.6	Single-Family Residential
West; Commercial Buildings and Single-Family Residences (City of Mercer Island City Hall and Public Works beyond)	Commercial Office (C-O), Single-Family Residential R-8.4, Public Institution (PI) beyond	Commercial Office, Single-Family Residential, Public Facility

IV. CONSISTENCY WITH MICC 19.15.240, RECLASSIFICATION OF PROPERTY (REZONES)

17. *Criteria*. The City Council may approve a rezone only if all of the following criteria are met:

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

Staff Analysis: The proposed reclassification requires a comprehensive plan amendment to satisfy this criteria, as outlined in subsection (C)(7) of MICC 19.15.240 and as described above in this Staff Report. The Applicant has applied for such comprehensive plan amendment, which underwent a first reading before City Council on September 1, 2026.

Staff has analyzed the proposed reclassification against the policies and provisions of the Mercer Island Comprehensive Plan as if the comprehensive plan amendment (CPA25-002) has been approved and the subject properties are designated Commercial Office within the Land Use Map of the Comprehensive Plan, consistent with the City Council discussion from September 1, 2026. At that first reading of the Comprehensive Plan amendment proposal, a motion was passed to amend the Planning Commission's recommendation by rejecting two amended findings and to replace those findings with those originally presented by staff to the Planning Commission which concluded that CPA25-002 was consistent with the Comprehensive Plan.

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

> *Community Values, Residential Community. Mercer Island is principally a single-family residential community, supported by healthy schools, religious institutions, and recreational clubs*. The proposed rezone would allow for the development of schools, religious institutions, or recreational clubs on the subject property. Under the current single-family zoning designation, these uses are subject to development standards that are not suitable for the construction of a reasonably sized facility to support the community of Mercer Island.
>
> *Community Values, Education is the Key. The community and its public and private institutions are committed to providing excellence in education*. 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". These civic and social organizations may also provide education to the community, similar to those offered by the Stroum Jewish Community Center at its afterschool care for elementary students and camp for children four years through their teens.
>
> *Community Values, Welcoming and Inclusive. Mercer Island is a place of acceptance where all are welcome, irrespective of race, ethnicity, national origin, religion, gender, sexual orientation, disability status, financial resources, or age. We believe that a diverse community is a healthier community. We respect and appreciate the benefits of diversity*. The proposed rezone would allow for the development of civic and social organizations under the allowed uses in the Commercial-Office zoning designation that cannot otherwise be provided under the current development standards in the single-family designation. A social organization like the SJCC supports inclusivity. The Applicant represents that it is SJCC's vision is to be the Puget Sound's most open and welcoming community-centered Jewish Organization. The SJCC is open to all, regardless of religion.
>
> *Element 2 – Land Use, Land Use Issues, Outside the Town Center, 3). Commercial Office and PBZ zones must serve the needs of the local population while remaining compatible with the community's overall residential character*. The proposed rezone would allow for development of uses that support the needs of the local population and beyond. The

development standards in the Commercial-Office zoning designation ensure compatibility with the surrounding residential areas by requiring screening and setbacks from adjacent residentially developed properties.

Element 2 – Land Use, Land Use Policies, Outside the Town Center, Goal 7.4. Social and recreation clubs, schools, and religious institutions are predominantly located in single-family residential areas of the Island. The City may consider measures within the land use code to address the maintenance, updating, and renovation of these facilities, while ensuring compatibility with surrounding neighborhoods. Such facilities contribute to the mental, physical, and spiritual well-being of Mercer Island residents. Land use decisions should balance the retention of these facilities with overall community planning and zoning regulations. Reclassification of property is a measure available within the land use code. The applicant has proposed to use this measure to address the redevelopment of a social and recreational club. The existing facility is legally nonconforming due to the residential development standards in the single-family zoning designation and cannot be adequately maintained, renovated, or updated to meet the needs of the community without losing its legal nonconforming status based on the criteria for intentional exterior alterations to structures other than single-family or in the Town Center. The development standards in the Commercial-Office zoning designation are more suitable for a civic and social organization and provide criteria to ensure compatibility with surrounding residential neighborhoods.

Element 2 – Land Use, Land Use Policies, Outside the Town Center, Goal 7.5. Encourage compatible uses such as education, recreation, open spaces, government, social services, and religious activities. The proposed rezone would allow for the development of a civic and social organization that cannot otherwise be reasonably developed under the development standards in the single-family residential zoning designation. The proposed rezone would allow for compatible uses such as education, recreation, government, social services, and religious activities through the allowed uses in the Commercial-Office designation.

Element 2 – Land Use, Land Use Policies, Outside the Town Center, Goal 9.2. Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area. All activities in the Commercial Office zone are subject to design review, and supplemental design guidelines may be adopted. The proposed rezone would reclassify properties near the I-90/East Mercer Way exit and SE 36th Street from single-family residential to commercial office to support this goal. A development proposal for these properties would undergo design review subject to the standards in Chapter 19.12 MICC, design standards for zones outside the Town Center.

Element 2 – Land Use, Land Use Designations, Commercial Office. 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. The proposed rezone from single-family residential to commercial office would support the development of complementary land uses, such as schools, places of worship, and recreational clubs.

B. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010.

Staff Analysis: The purpose of the Mercer Island development code pursuant to MICC 19.01.010 is:

"…[T]o protect and promote the health, safety, and the general welfare through the regulation of development within the city of Mercer Island.

To that end, this Code classifies the land within the city into various zones and establishes the use of land and nature of buildings within those zones; controls the form of plats and subdivisions; regulates the construction of commercial and residential structures; and protects critical and sensitive areas within the city.

The provisions of this Code are designed to consider light, air and access; to conserve and protect natural beauty and other natural resources; to provide coordinated development; to avoid traffic congestion; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; and to encourage the use of solar energy practices.

This Code is to be interpreted as a whole, in view of the purpose set out in this section.

If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

The proposed rezone is consistent with the purpose as it would allow for the development of the uses allowed in the Commercial-Office zone, which includes uses that promote the health, safety, and general welfare of the City such as, schools, religious institutions, and civic and social organizations like the SJCC. Health, safety, and welfare is discussed in detail *infra* at Section IV.17.F.

As stated in the Comprehensive Plan, social and recreational facilities contribute to the mental, physical, and spiritual well-being of Mercer Island residents. The existing recreational facility occupying the subject properties currently provides these benefits, however, the single-family residential development standards limit the ability for the existing facility to be reasonably maintained, repaired, or remodeled to continue to serve the community. The proposed rezone is consistent with the purpose of the development code by enabling the subject properties to redevelop with facilities that promote the health and well-being of Mercer Island residents. The Commercial-Office designation includes development standards to ensure compatibility with the surrounding residential neighborhood, and as noted above, have been designed to be consistent with the purpose of the development code. Any future development proposal would be required to comply with these development standards, in addition to design standards, the State Environmental Policy Act (SEPA), critical area review, and transportation concurrency review. These reviews include analyses to consider light, air, and access (design and setback standards, SEPA review); conservation and protection of natural beauty and other natural resources (SEPA review); provision of coordinated development (design review); mitigation of traffic congestion (concurrency review), prevention of overcrowding of land; and facilitation of adequate provisions for transportation, water, sewage, schools, parks and other public requirements where necessary and feasible.

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

Staff Analysis: The proposed rezone is an extension of an existing zone. The northern portion of parcel 2655500115 is currently designated Commercial-Office, as well as the three properties to the west of this parcel. The rezone would rectify this existing split-zone and extend the Commercial-Office designation south to SE 40th St by including parcels 2655500137, 2655500136, and 2655500132 as shown in **Exhibit 14**.

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

Staff Analysis: The proposed rezone would not constitute an illegal site-specific rezone (spot zone). The subject properties are adjacent to other properties in the Commercial-Office zone, and a portion of parcel 2655500115 is currently designated Commercial-Office. Past case law

has determined that an illegal site-specific rezone (spot zone) singles out a small area from a larger area or district and specifically zones it for a use classification completely different and not in accord with the surrounding land, or the Comprehensive Plan and is not related to the general plan for the community as a whole. The decision maker must determine whether the zoning action bears a substantial relationship to the general welfare of the affected community.

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

1. Carves a small area out of a larger zoning district;

   The proposed rezone would expand the existing area of the Commercial-Office zone and rectify an existing split zone on parcel 2655500115. The proposed rezone would not isolate a small property within a larger zoning district or create an island of inconsistent zoning.

2. Allows uses of the smaller area that are inconsistent with uses allowed in the remaining larger zoning district;

   First, the proposed rezone would expand the existing area of Commercial-Office and does not create a smaller area out of a larger zoning district.

   Second, the proposed rezone would not allow uses that are inconsistent with the remaining zoning districts. The surrounding area contains single-family residential development, commercial office development to the west, a school, community center, and religious facility to the east (across East Mercer Way), and Aubrey Davis Park/Linear Park to the north (across SE 36th and East Mercer Way). The uses allowed in the Commercial-Office designation are not inconsistent with the uses allowed in the surrounding zoning districts, and commercial densities are encouraged for the I-90/E Mercer Way exit and SE 36th St area (Comprehensive Plan Land Use Element, Goal 9.2). For example, Commercial Office developments are required to comply with the design standards contained in Ch. 19.12 MICC. These design standards ensure the design vision in MICC 19.12.010(B) is implemented through site and context, building design, and landscaping and amenities. Buildings must be "designed to be architecturally compatible with other structures in the neighborhood with respect to human scale, form and massing, and relationship to natural site features." (MICC 19.12.010(B)(2)). "New development should reflect design elements of existing structures in the neighborhood, including but not limited to, roof forms, materials, and colors." (MICC 19.12.020(B)(3)(b)). There are multiple other design standards for landscaping, signs, vehicular circulation, screening and lighting that would make a Commercial Office development more compatible with residential zoning (MICC 19.12.010.-080). Additionally, a Commercial Office development would be required to demonstrate that adequate transportation facilities are provided concurrently with development (Chapter 19.20 MICC). A transportation concurrency application and certificate are required for any development proposal that will result in net new trips in the morning peak hour or evening peak hour. A transportation concurrency certificate shall be approved if net new trips from the development proposal do not cause the level of service at a concurrency intersection to decline below the standards adopted in the transportation element of the comprehensive plan.

3. Allows a use of the smaller area that is not in accord with the Comprehensive Plan;

   The proposed rezone would be in accord with the Comprehensive Plan. The Comprehensive Plan states that commercial uses and densities are appropriate near the area of I-90/East Mercer Way exit and SE 36th Street. Further, as discussed *supra* at Section IV.17.A, the proposed rezone is consistent with the Comprehensive Plan.

   Element 2 – Land Use, Land Use Policies, Outside the Town Center, Goal 9.2.

Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area. All activities in the Commercial Office zone are subject to design review, and supplemental design guidelines may be adopted

4. 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

   The Applicant provided a criteria compliance narrative (**Exhibit 8**) and additional materials (**Exhibit 9**) which examines past case law to determine that the proposed rezone is consistent with the Comprehensive Plan, no private gain will occur as a result of the rezone since the SJCC is a nonprofit organization, and the development regulations under the Commercial-Office zone guard against impacts to neighbors through minimum setback requirements, screening, and height limitations.

   Staff analyzed the proposal and concluded that the proposed rezone would not be merely for the private gain of one or a group of owners to the detriment of their neighbors without adequate public advantage or justification. First, as discussed above, the proposed rezone is consistent with the larger city goals set out in the Comprehensive Plan. The Comprehensive Plan encourages social and recreation clubs to support the primarily single-family residential development, and the proposed rezone would allow for civic and social organization uses, among others. Additionally, the properties are owned by a nonprofit organization and the proposed use would create public advantage through the continuation of programs like early childhood education, community activities, and senior activities. The proposed use as a result of the rezone would be for community center use that is "dedicated to the enrichment of life for the Jewish and general community in the greater Seattle area" (SJCC's 'About the J' Webpage). Staff therefore agree with the Applicant's assertion that the proposed rezone is not merely for private gain of the owners to the detriment of their neighbors without adequate public advantage.

5. Has no substantial relationship to the public health, safety, and general welfare.

The proposed rezone does have a substantial relationship to the public health, safety, and general welfare. The proposed rezone is consistent with the Comprehensive Plan and supports the development of civic and social organization uses, schools, and religious institutions allowed in the Commercial-Office zoning designation. For a more detailed discussion of this criterion, please see discussion *infra* at Section IV.17.F.

In sum, Staff conclude that the proposed rezone does not possess the characteristics of an illegal spot zone.

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

Staff Analysis: Surrounding zones include Commercial-Office to the north and west of the subject properties, Business to the east, Public Institution (City Hall and Public Works) beyond to the west, and single-family residential to the south, west, and east. The Comprehensive Plan states that commercial uses and densities are appropriate for the I-90/East Mercer Way exit and SE 36th Street area. As discussed more at length above, the proposed rezone is compatible with the surrounding zones and land uses and is consistent with the uses identified as appropriate in the Comprehensive Plan.

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

Staff Analysis: The proposed rezone would facilitate the development of the social and civic organizations, schools, religious institutions, and other uses allowed in the Commercial Office zoning designation that are encouraged and/or identified as appropriate for this area in the

Comprehensive Plan. The Comprehensive Plan finds that social and recreation clubs, schools, and religious institutions contribute to the mental, physical, and spiritual well-being of Mercer Island residents, and identifies the I-90/East Mercer Way exit and SE 36th Street as appropriate for commercial uses and densities. The proposed rezone would support both of these Comprehensive Plan goals.

The standards of the Commercial Office zone contain protections to ensure that uses within such zones do not adversely affect public health, safety, and welfare. For example, MICC 19.04.020(B)(1) contains required conditions of uses in the C-O zone, such as that "[u]ses shall be limited to those that do not produce offensive noise, vibration, smoke, dust, odor, heat or glare." MICC 19.04.020(B)(3) requires a strip of land adjacent to all external boundaries of a development site to be devoted to landscaping providing a partial screen. Further, the zone contains restrictions on how much of a lot may be covered by impervious surfaces (MICC 19.04.020(B)(4)) and requires setbacks from adjacent properties (MICC 19.04.020(E)), which increase protections to surrounding properties.

The Potential Trip Generation Review Memorandum in **Exhibit 10** and the Trip Generation for Maximum Development Capacity Memorandum in **Exhibit 11** analyzed the trip generation for the existing and allowed uses in the CO zone using the Institute of Transportation Engineers (ITE) Trip Generation Manual (12th Edition, 2025). The memorandums find that the site could theoretically accommodate a potential 134,087 square foot building footprint at 35 percent of the lot area with three stories for a total of 402,261 square feet. This would be the largest building that could fit on the site, while only looking at lot coverage and height limitations. However, this estimate does not consider setbacks, screening, parking, or design standards that would further restrict the potential building site. The highest generating land use in the CO zone per the updated memorandum in **Exhibit 11** was the Medical-Dental Office Building – Stand Alone (720) where the potential weekday PM peak hour trip total could be 1,376 trips versus the existing 274 trips for the 94,723 square foot Recreational Community Center use.

While the memorandum found that the proposed rezone to Commercial Office could result in an increase in trips depending on future development allowed in the zone, the rezone itself does not generate new trips. If the rezone is granted, a future development proposal would be required to demonstrate that adequate transportation facilities are provided concurrently with development (Chapter 19.20 MICC and RCW 36.70A.070(6)(b)). A transportation concurrency application and certificate are required for any development proposal that will result in net new trips in the morning peak hour or evening peak hour. A transportation concurrency certificate shall be approved if net new trips from the development proposal do not cause the level of service at a concurrency intersection to decline below the standards adopted in the transportation element of the comprehensive plan. Conversely, a transportation concurrency certificate shall be denied if net new trips from the development proposal cause the level of service at a concurrency intersection to decline below the standards adopted in the transportation element. MICC 19.20.050(C) provides criteria for mitigation, which is an option available to an applicant to provide or build a mitigation strategy for the transportation facility improvements necessary to achieve concurrency. In sum, a future development proposal would not be able to be approved unless transportation concurrency is obtained.

The proposed rezone, if granted, would not adversely affect public health, safety, and welfare. Rather, the proposed rezone would support public health, safety, and welfare by allowing an existing recreational facility to redevelop under appropriate development standards that have

been designed to ensure compatibility with surrounding land uses and mitigate potential impacts to critical areas and traffic.

G. If a comprehensive plan amendment is required in order to satisfy subsection (C)(1) of MICC 19.15.240, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.

Staff Analysis: The proposed rezone has been accompanied by a proposed Comprehensive Plan Amendment to redesignate the subject properties from Single-Family Residential to Commercial-Office in the Comprehensive Plan Land Use Map. The City Council completed the first reading of Comprehensive Plan Amendment (CPA25-002) and it is currently scheduled for second reading on December 1, 2026. Following the Hearing Examiner's recommendation, the rezone is anticipated to be scheduled for second reading alongside CPA25-002 on December 1, 2026, pursuant to MICC 19.15.230(G). A condition of approval is recommended to be included in the Hearing Examiner's decision to reflect that should Council vote to grant the rezone, such rezone should be contingent upon passage of the necessary comprehensive plan amendment.

18. *Map change*. Following approval of a rezone, the city shall amend the zoning map to reflect the change in zoning designation. The city shall also indicate on the zoning map the number of the ordinance adopting the rezone.

Staff Analysis: A condition of approval is recommended to be included in the Hearing Examiner's decision to accomplish a map change following approval of the proposed rezone.

V. RECOMMENDED CONDITIONS OF APPROVAL

1. Following approval of a rezone, the City shall amend the zoning map to reflect the change in zoning designation. The City shall also indicate on the zoning map the number of the ordinance adopting the rezone.
2. The effectiveness of the approval of RZN25-002 shall be contingent on the approval and adoption of Ordinance No. 26-13 for the associated Comprehensive Plan Land Use Map Amendment (CPA25-002).

VI. RECOMMENDATION

Staff reviewed the proposed application in accordance with the criteria for reclassification of property (rezones) in MICC 19.15.240. Based on the findings contained in this staff report and the application materials, Staff recommend the Hearing Examiner adopt the above findings and recommend approval of the proposed Reclassification of Properties (Rezone) under City File Number RZN25-002 to reclassify King County Parcel Nos. 2655500137, 2655500136, 2655500132, and a portion of 2655500115 from Single-Family Residential (R-8.4 & R-9.6) to Commercial Office (C-O) within Appendix D, Zoning Map, MICC (**Exhibit 14**) to the City Council.



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