2025 Stroum Jewish Community Center Rezone

Criteria Compliance Narrative

Thank you for your consideration of our rezone. The Stroum Jewish Community Center ("SJCC") is proposing to rezone from R-8.4 and R-9.6 to CO the following parcels:

- 2655500137
- 2655500136
- 2655500132
- small portion of 2655500115

Please see Exhibit A attached to this form for the rezone map.

Per the application form, the following are answers as to how the proposed amendment meets the following codes:

- MICC 19.15.240[1]
- RCW Chapter 36.70A
- Mercer Island Comprehensive Plan
- Mercer Island City Policies

---

1. MICC 19.15.240.C.

Criteria. **The city council may approve a rezone only if all of the following criteria are met:**

1. **The proposed reclassification is consistent with the policies and provisions of the Mercer Island comprehensive plan;**

The proposal is consistent with the Mercer Island Comprehensive Plan, specifically the following (responses to plan in italics):

The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

2. Residential Community. Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the SJCC, which is a school, afterschool care provider, summer camp organization, cultural arts producer, and a recreational club open to all, to continue to serve Mercer Island. The CO reclassification directly supports this Comprehensive Plan value.*

[1] Please note: the application checklist request "how the application meets the review criteria in MICC 19.15.260." The criteria stated in 19.15.260 are procedural in nature and not appropriate for inclusion in the review narrative.

3. Education is the Key. The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's early childhood school to continue its excellent education of hundreds of young children on Mercer Island, afterschool care for elementary students, and camp care for children four years old through their teens. The CO reclassification directly supports this Comprehensive Plan value.*
4. 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 SJCC's vision is to be the Puget Sound's most open and welcoming community-centered Jewish Organization. The CO reclassification directly supports this Comprehensive Plan value.*
5. Pride & Spirit, Excellence in Education, Recreational & Cultural Opportunities. Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population. Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety, human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget. The SJCC is the only Jewish Community Center in the state of Washington. It anchors Jewish community in the region, serves thousands of households on Mercer Island—Jewish and beyond—and is an irreplaceable asset to Island life, providing services and community connection that the City could not possibly replace. The CO reclassification directly supports this Comprehensive Plan value.*
6. Residential, Environmental Stewardship, Leadership, Citizen Involvement, Neighborhood Pride. Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *The SJCC has been an important and integral element of the community for decades. This redesignation will allow us to rebuild and reconfigure the SJCC to continue serving the community with modernized amenities, sustaining the benefits the community knows and expects from the SJCC. We are hopeful that this request for redesignation is respectfully considered and approved, so that we can rebuild under the current CO zoning rules The reclassification to CO directly supports this value.*
7. Commercial Office and PBZ zones must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. Anything that is built will conform to CO standards. Finally, the proposal is adjacent to CO zoning and extends*

them southward;this extension is consistent with good planning and zoning principles. In addition, it is good zoning practice and consistent with good zoning principles to align zones and designations periodically, to align with population growth and to the uses and bulk and scale permitted in the zones. Since the time the SJCC was built and the zoning was established in this area, the population of the island has grown significantly.

8. Goal 7.1. Preserve the neighborhood character in residential zones. For the purpose of implementing this element, neighborhood character only refers to the form, bulk, scale, and intensity of the built environment. (Comp Plan, Land Use Goals). *The proposal is consistent with this goal. The SJCC is a use that requires a gym and a pool, the larger scale of which is inconsistent with the desired scale that is identified for single family zoning designation. Therefore, the designation should be changed, so that the SJCC can remain in this location. The reclassification requires compliance with the CO zoning standards and MICC, which include significant protections of neighboring residential zones in terms of form, bulk, scale and light standards, which would apply to any future project on this site.*
9. 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 (Comp Plan, Land Use Goals). *The City's current single family zoning regulations, and its issued formal interpretation of its regulations, do not allow variation from the gross square footage and impervious surface limitations currently placed on all structures in single family zones such that it is not possible for the SJCC to remodel/rebuild a contemporary, efficient, and accessible facility in place. The only sustainable option to retain the SJCC in this location is to redesignate to CO. The City has been very aware of this issue for many years now and has declined to make changes to its single family code that would accommodate the SJCC. Thus, a change of zoning to CO is necessary to allow the SJCC to move forward in this location.*
10. 7.5 Encourage compatible uses such as education, recreation, open spaces, government, social services, and religious activities (Comp Plan, Land Use Goals). *This goal of the Comprehensive Plan specifically encourages compatible uses such as the SJCC, which offers education, recreation, open space, and social services. As such, the Plan supports the redesignation to CO as the redesignation allows the SJCC to sustainably remain on the Island within a comp plan designation/zone that supports it.*
11. 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. *All SJCC uses are allowable uses in the CO zone. Any development proposal would be subject to design review. The CO zone is specifically called out in the comprehensive plan as being appropriate in this subarea.*
12. 10.6. Encourage low impact development approaches for managing stormwater and protecting water quality and habitat. *Any new development proposal will comply with*

current stormwater codes, which will benefit the environment. Rezone to CO facilitates updated facilities and compliance with modern codes and practices.

13. 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 SJCC fits within the description of this designation. The land and its uses are appropriate for rezone to CO.*
14. Transportation Goal 6.1:Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *While the designation of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts, including concurrency review, that may be mitigated via trip reduction and physical improvements.*
15. Transportation Goal 9.2. Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The change to CO will allow SJCC to better address parking issues. As an existing nonconforming building/site, SJCC cannot change its footprint without triggering full compliance with the code, which would have required compliance with the gross floor area and impervious surface limitations intended for single family homes which the SJCC cannot meet. As a result, the SJCC cannot address any existing parking issues. At the time of any future development proposal submittal, SJCC would be required to comply with applicable parking requirements, which will address any potential parking issues.*

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

Yes. The purpose of the MI development code in MICC 19.01.010 is stated as such:

The general purpose of this Code is to protect and promote 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.

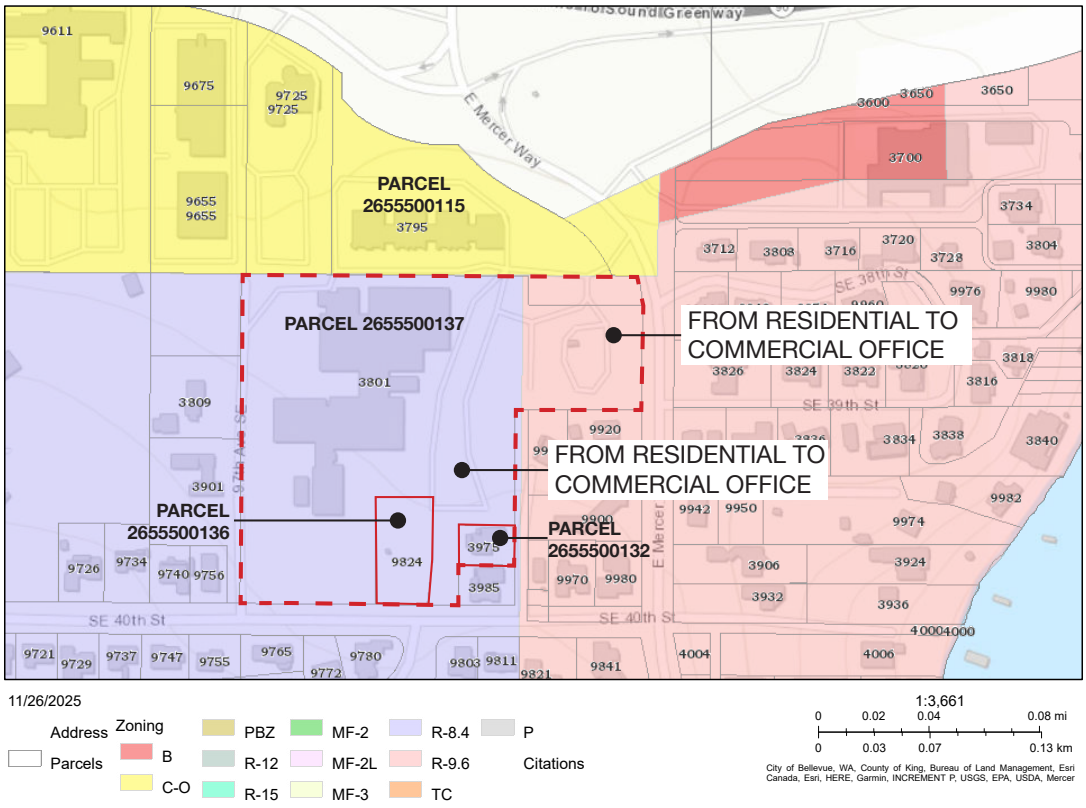
This Code is to be interpreted as a whole, in view of the purpose set out in this section.

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 proposal is consistent with the purpose of MICC 19.01.010. As stated in our development narrative, the redesignation/rezone to CO allows for the SJCC to survive and thrive in its current location, which by definition benefits the health, safety and welfare of the city. It implements the Comprehensive Plan. The rezone to CO continues to consider light, air and access as there are provisions for setbacks and height limitations in the CO that will be applicable to any development on the site. Any development proposal on the site will be required to undergo concurrency review when it creates net new trips, and SEPA review regarding transportation and other potential impacts when they can be reviewed in a site specific way. Finally, the rezone to CO extends the CO zone that exists on SJCC-owned property (the FASPS property) to include land that is owned by the same owner. This provides predictable and efficient regulation, and ensures that similar uses are reviewed under clear, consistent, and well-established standards that include protections for surrounding single family zones. These types of protections are not included in the current single family zoning regulations because those regulations did not include regulations for non-single family uses when they were redrafted in 2017.

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

Mercer Island Zoning Map



The proposed rezone is an extension of an existing zone, and also affords an appropriate transition between zones.

The redesignation to CO extends to the south the CO zone that exists on the SJCC-owned property where the FASPS is located (Parcel 2655500115). This is a natural extension of the CO zone to include the SJCC, which has not been in single family use for over 50 years. Regarding land use patterns, the proposed rezone is appropriate as it maintains logical transitions between zones:

- To the north, it abuts existing CO zoning. A portion of this property is owned by the SJCC and currently in school use.
- To the east, there are several adjacent conditions. At the north side, the proposed rezone abuts East Mercer Way, a major arterial, which creates a natural zone transition. Across East Mercer Way at the northeast side is B zoned property which includes a synagogue, and will include a school in the near future. The CO zone is appropriate as it transitions to the northeast. To the east, there are single family zoned properties. The CO zone requires a minimum 50-foot setback, with no adjacent parking areas or driveways, when the CO zone abuts a residentially-zoned property. Thus, the CO builds in appropriate transitions, and the zoning itself acknowledges that it may be located adjacent to single family zones.

- To the west, there is a swath of single family zoned properties, and beyond that, City-owned property that is currently zoned CO and proposed to be zoned Public Institution. The CO zone requires a 50-foot setback from residentially-zoned properties, which creates a more appropriate buffer and transition than does the current single family zone requirements.
- To the south, the majority of the property to be rezoned abuts SE 40th Street, which is a local street. Setbacks from rights-of way in the CO zone are required to be 50 feet, and include a landscaped buffer. Some of the property abuts single family zoned properties. The SE 40th Street right of way creates an appropriate zone transition. As stated above, the CO zone itself provides adequate transitions due to the required minimum 50 foot setback from single family zones.

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

The proposed rezone is clearly not an illegal spot zone. The facts and the case law surrounding illegal spot zones are clear—when the rezone provides for a community benefit, is consistent with the Comprehensive Plan, and is not solely for private gain, it is not an illegal spot zone.

As per the Washington Supreme Court, "Spot zoning is zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the comprehensive plan." *SANE v City of Seattle,* 676 P.2d 1006, at 1010 (1984). Clearly, the SJCC proposal is not a spot zone. Rather than seeking out a use classification, this property has been used as the SJCC for over 50 years. In fact, the SJCC was constructed, in most cases, prior to the adjacent single family homes. The rezone simply seeks to align the use with the zoning that is now most appropriate for the use given the recent changes to the single family zoning that do not accommodate the SJCC. The proposal meets this rezone criterion. In addition, the zone sought in this case is the CO zone, which is already to the north of the property, and the proposal would simply extend the CO zone boundary to the south to encompass the current SJCC parcels. This is not at all a case of designating a zone nowhere near a CO zone—the CO zone exists in this area on parcels contiguous to the SJCC on parcels with uses similar to the SJCC. The CO zone boundary is simply shifting to the south, to match nearly sixty years of property usage with zoning.

The Washington Supreme Court also states: "[o]nly where the spot zone grants a discriminatory benefit to one or a group of owners to the detriment of their neighbors or the community at large without adequate public advantage or justification will the…rezone be overturned." *Id., citing SORE v. Snohomish County,* 99 Wn.2d 363, at 368 (1983). The Court has also stated that "where differential zoning merely accommodates some private interest and bears no rational relationship to promoting legitimate public interest, it is 'arbitrary and capricious' and hence 'spot zoning.'" *Citizens for Mount Vernon,* 133 Wn.2d at 875

(footnotes omitted) (quoting RICHARD L. SETTLE, WASHINGTON LAND USE AND ENVIRONMENTAL LAW AND PRACTICE § 2.11(c) (1983)).[2]

The Court's application of the above statement statements in the SANE case is instructive to this situation. In that case, the Court declined to find a spot zone when the archdiocese proposed a site-specific rezone from single family zoning to multifamily zoning to facilitate a senior housing apartment building. In that case, the comprehensive plan/neighborhood plan included language stating that single family character should be preserved, yet the Court found that the apartment building proposal was consistent with the comprehensive plan and therefore allowed. The Court also found that because the housing was owned by a nonprofit/community organization, it could not be for private gain and was therefore not an illegal spot zone. Finally, the Court found that the project promotes the general welfare because it provided needed housing for seniors. Due to this variety of factors, the Court found the site specific rezone was not an illegal spot zone.

As in the SANE case, the SJCC proposal is not an illegal spot zone. First, the proposal is consistent with the Mercer Island Comprehensive Plan, as stated above. Second, the SJCC is a nonprofit organization; there is no private gain that will occur as a result of the rezone. Rather, the rezone will simply align the City's zoning map with the use of the property, and the entire community benefits by a thriving, fully-functioning SJCC that has not been rendered terribly nonconforming by a single family zoning code. Third, the CO zone itself guards against impacts to neighbors; it requires a minimum of 50-foot setback from any residentially-zoned property, as well as a 50-foot setback plus landscape buffer from any adjacent right-of-way. The height limitation for the CO zone is only 6 feet taller than the single family zone limits. The CO zone is a very protective zone, significantly lessening impacts to neighbors. Any building that is permitted in the CO zone is also subject to the design review process, which is further protective to the surrounding neighbors. Finally, and most importantly, the SJCC use inherently benefits the general welfare and the community at large. It is a community center that is open to everyone, that includes the largest early childhood school on Mercer Island, and offers countless activities that benefit seniors, children, the arts, and the community as a whole. It most certainly benefits the general welfare. Thus, approval of the site specific rezone would not be arbitrary and capricious and would not be an illegal spot zone.

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

Yes. See above. The CO zone is protective of and compatible with surrounding zones and land uses, which are single family, The proposed reclassification is simply aligning the zone with the use, which is the SJCC. There is no proposed change to the use of the property. The new zoning ensures continued compatibility with the surrounding zoning districts by the protective setback and height restriction standards that exist in the CO zone. Zone and use transitions have been addressed above; it is worth nothing that the CO zone has existed

[2] Note that most of the case law regarding spot zoning pre-dates the Growth Management Act and the requirement for cities to create Future Land Use Maps in their Comprehensive Plans. Post-GMA, courts find that compliance with the Comprehensive Plan results in no illegal spot zone.

adjacent to single-family zones (FASPS property, City Hall property) for decades; this has been a compatible relationship that has existed on the Island for many years.

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

The proposed reclassification does not adversely affect public health, safety, and welfare. As stated above, the CO zone, as well as the MICC and applicable codes in general, protect the public health, safety and welfare by mitigating any potential impacts of uses of the CO zone on neighboring properties and uses. Instead, the reclassification supports those purposes by including a more appropriate zoning designation on the SJCC that better matches its use. Supporting the SJCC and its continued location on Mercer Island is directly supportive of the public health, safety and welfare. The SJCC offers health and wellness classes, provides a safe environment in which hundreds of children learn and are cared for every day, and it promotes the welfare and well-being of the community.

Indeed, Comprehensive Plan policy 7.4 directly states that clubs and community centers like the SJCC "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." Thus, this action is directly supported by the Comprehensive Plan.

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

Yes. The SJCC is seeking an amendment to the Future Land Use Map in addition to this rezone.