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BEFORE THE HEARING EXAMINER
FOR THE CITY OF MERCER ISLAND

In the Matter of:

Development Code Interpretation No. 22-004

Hearing Examiner File No.: APL22-004
(Interpretation No. 22-004)

**EXHIBIT INDEX AND EXHIBITS IN
SUPPORT OF DECLARATION OF
JOHN HALL**

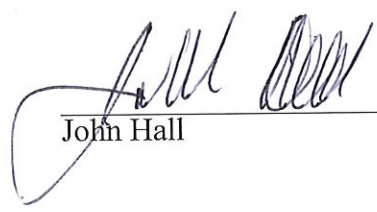
Comes forth John Hall, and states under penalty of perjury of the laws of the State of Washington that attached to this exhibit index are true and accurate copies of the documents:

1. Exhibit 1: Page 1 – JCC’s 2016 Form 990
2. Exhibit 1: Page 2 – French American School’s 2016 Form 990
3. Exhibit 1: Page 3 – September 8, 2016 Letter from the JCC
4. Exhibit 2: Page 1 – June 9, 1971 letter from the JCC
5. Exhibit 2: Page 2 – July 1, 1971 letter from City of Mercer Island

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6. Exhibit 2: Page 3-4 – May 20, 1970 Planning Commission meeting minutes
7. Exhibit 2: Page 5: Article excerpt noting JCC would address neighbors concerns
8. Exhibit 3: Page 1 – May 2, 1985 letter from City of Mercer Island
9. Exhibit 3: Pages 2-3 – Mercer Island Planning Commission Findings of Fact
10. Exhibit 3: Page 4 – May 7, 1985 Mercer Island Reporter article
11. Exhibit 4: Pages 1-3 – Map of JCC purchased properties
12. Exhibit 5: Page 1 – March 26, 2002 Mercer Island Reporter article
13. Exhibit 5: Pages 2-3 – August 1, 2002 JCC Street Vacation Criteria Response

DATED this 10 day of January, 2023.



John Hall

Form **990**

Return of Organization Exempt From Income Tax

OMB No 1545-0047

2016

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public
Information about Form 990 and its instructions is at www.irs.gov/form990

A For the 2016 calendar year, or tax year beginning 09-01-2016, and ending 08-31-2017

- B** Check if applicable:
 Address change
 Name change
 Initial return
 Final
 Return/terminated
 Amended return
 Application pending

C Name of organization
Samuel and Althea Stroum Jewish Community Center
 Doing business as
 Number and street (or P O box if mail is not delivered to street address) Room/suite
3801 East Mercer Way
 City or town, state or province, country, and ZIP or foreign postal code
Mercer Island, WA 980403805

D Employer identification number
90-0953408

E Telephone number
(206) 232-7115

G Gross receipts \$ 11,085,544

F Name and address of principal officer
Amy Lavin
3801 East Mercer Way
Mercer Island, WA 980403805

H(a) Is this a group return for subordinates? Yes No

H(b) Are all subordinates included? Yes No
If "No," attach a list (see instructions)

H(c) Group exemption number ▶

I Tax-exempt status 501(c)(3) 501(c) () ◀ (insert no) 4947(a)(1) or 527

J Website: ▶ www.sjcc.org

K Form of organization Corporation Trust Association Other ▶

L Year of formation 1949

M State of legal domicile
WA

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities The mission of the Stroum Jewish Community Center is to ensure Jewish continuity, to support Jewish unity, to enrich Jewish life, and to participate in and promote the well-being of the Jewish and general community and the people of Israel			
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets			
	3	Number of voting members of the governing body (Part VI, line 1a)	20	
	4	Number of independent voting members of the governing body (Part VI, line 1b)	20	
	5	Total number of individuals employed in calendar year 2016 (Part V, line 2a)	472	
	6	Total number of volunteers (estimate if necessary)	115	
	7a	Total unrelated business revenue from Part VIII, column (C), line 12	-16,906	
	7b	Net unrelated business taxable income from Form 990-T, line 34	-16,906	
Revenue			Prior Year	Current Year
	8	Contributions and grants (Part VIII, line 1h)	2,943,713	3,065,445
	9	Program service revenue (Part VIII, line 2g)	6,869,926	7,318,283
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	5,682	10,252
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	504,923	506,403
	12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	10,324,244	10,900,383
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0	0
	14	Benefits paid to or for members (Part IX, column (A), line 4)	0	0
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	7,558,838	8,117,740
	16a	Professional fundraising fees (Part IX, column (A), line 11e)	0	0
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶ 216,644		
	17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	2,493,143	2,774,279
18	Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	10,051,981	10,892,019	
19	Revenue less expenses Subtract line 18 from line 12	272,263	8,364	
Net Assets or Fund Balances			Beginning of Current Year	End of Year
	20	Total assets (Part X, line 16)	20,455,624	20,605,386
	21	Total liabilities (Part X, line 26)	3,543,537	3,684,935
22	Net assets or fund balances Subtract line 21 from line 20	16,912,087	16,920,451	

2017
12,721,276
1820,293

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: _____ Date: 2018-07-16
 Amy Lavin, Chief Executive Officer
 Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name Matthew R Matson	Preparer's signature Matthew R Matson	Date 2018-07-16	Check <input type="checkbox"/> if self-employed	PTIN P00775671
Firm's name ▶ Peterson Sullivan LLP CPA'S			Firm's EIN ▶ 91-0605875	
Firm's address ▶ 601 Union St Ste 2300 Seattle, WA 981012345			Phone no (206) 382-7777	

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

Form **990**
 Department of the Treasury
 Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public
 Information about Form 990 and its instructions is at www.irs.gov/form990

OMB No 1545-0047

2016

Open to Public Inspection

A For the 2016 calendar year, or tax year beginning 07-01-2016, and ending 06-30-2017

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization French American School of Puget Sound		D Employer identification number 91-1682584
	Doing business as		E Telephone number (206) 275-3533
	Number and street (or P.O. box if mail is not delivered to street address) 3795 E Mercer Way	Room/suite	G Gross receipts \$ 9,830,055
	City or town, state or province, country, and ZIP or foreign postal code Mercer Island, WA 98040		
F Name and address of principal officer Eric Thuau 3795 E Mercer Way Mercer Island, WA 98040		H(a) Is this a group return for subordinates? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No H(b) Are all subordinates included? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach a list (see instructions) H(c) Group exemption number ▶	
I Tax-exempt status <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> 501(c) () ◀ (insert no) <input type="checkbox"/> 4947(a)(1) or <input type="checkbox"/> 527			
J Website: ▶ www.fasps.org			
K Form of organization <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Association <input type="checkbox"/> Other ▶		L Year of formation 1995	M State of legal domicile WA

Part I Summary

Activities & Governance	1 Briefly describe the organization's mission or most significant activities We challenge students to excel academically and thrive in French, American and international cultures. We inspire the next generation of global citizens to learn, understand, and act wisely in a multicultural world. Our core values are excellence, integrity, cultural agility, and community.			
	2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets			
	3	Number of voting members of the governing body (Part VI, line 1a)	18	
	4	Number of independent voting members of the governing body (Part VI, line 1b)	18	
	5	Total number of individuals employed in calendar year 2016 (Part V, line 2a)	126	
	6	Total number of volunteers (estimate if necessary)	250	
7a	Total unrelated business revenue from Part VIII, column (C), line 12	0		
	b Net unrelated business taxable income from Form 990-T, line 34	0		
Revenue			Prior Year	Current Year
	8	Contributions and grants (Part VIII, line 1h)	592,010	680,922
	9	Program service revenue (Part VIII, line 2g)	8,423,818	8,907,974
	10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	89,381	82,117
	11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	-58,909	-43,804
	12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	9,046,300	9,627,209
Expenses	13	Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0	0
	14	Benefits paid to or for members (Part IX, column (A), line 4)	0	0
	15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	5,650,477	6,072,824
	16a	Professional fundraising fees (Part IX, column (A), line 11e)	0	0
	b	Total fundraising expenses (Part IX, column (D), line 25) ▶ 175,235		
	17	Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e)	2,369,990	2,794,311
18	Total expenses Add lines 13-17 (must equal Part IX, column (A), line 25)	8,020,467	8,867,135	
19	Revenue less expenses Subtract line 18 from line 12	1,025,833	760,074	
Net Assets or Fund Balances			Beginning of Current Year	End of Year
	20	Total assets (Part X, line 16)	12,860,897	14,231,039
	21	Total liabilities (Part X, line 26)	5,469,260	5,971,995
22	Net assets or fund balances Subtract line 21 from line 20	7,391,637	8,259,044	

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: _____ Date: 2018-04-06
 eric thuau head of school
 Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name Bob Bowman	Preparer's signature Bob Bowman	Date 2018-04-06	Check <input type="checkbox"/> if self-employed	PTIN P02061718
Firm's name ▶ Peterson Sullivan LLP CPA'S			Firm's EIN ▶ 91-0605875	
Firm's address ▶ 601 Union St Ste 2300 Seattle, WA 981012345			Phone no (206) 382-7777	

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No



STROHM JEWISH COMMUNITY CENTER

September 8, 2015

I am Judy Neuman, CEO of the Strohm Jewish Community Center on Mercer Island. We have been paying close attention to transportation issues facing our Island and I wanted to share how critical mobility is for the JCC, our employees and our members and guests.

Our 250 year-round employees, which grow to 400 seasonally, serve more than 15,000 people every year, including 195 children for preschool, close to 1000 summer day campers and over 500 seniors, plus any more members and guests. Our employees and members commute to the J from all over the metro area via cars, carpools and buses. I-90 traffic is so bad it's impacting our business. Last month a promising young teacher reluctantly backed out of accepting a job after a test run of her commute. I fear for the safety of our employees who walk over 30 minutes each way in the dark to and from the Park & Ride, since the bus route on 36th was closed quite some time ago. I watch every day as preschoolers wait in our classrooms for road-weary parents delayed by traffic both on I-90 and in our Town Center.

While Light Rail will certainly help some, the resulting increase in car traffic will hurt others. These are big, complicated issues that will have a dramatic impact on our business. It is critically important that everyone be educated on the changes and ramifications to make sure Mercer Island benefits from this massive investment.

Specifically:

- Mercer Island traffic to and from Seattle and I-405 should have permanent access to the new HOV lanes
- Mercer Island traffic should be permanently exempt from any tolls or congestion pricing
- We need better ways to get commuters to and from the Park & Ride
- The Park & Ride should be limited to Island residents and even more parking is needed
- We need more bus capacity to and from Seattle immediately- the majority of my employees live off-island.
- I-90 cut-through traffic ties up our roads and needs to be stopped
- The proposed bus intercept should be located elsewhere as it will snarl traffic and overload our already crowded transit stop
- We cannot lose HOV access ramp capacity
- I-90 construction closures should be limited to late nights instead of entire weekend

I urge the council to negotiate fiercely for what is best for Mercer Island and to do so productively, finding win-win opportunities for the people of Mercer Island and the region's transportation needs. The JCC depends on both.

Thank you for your time and interest in this important topic,

Judy Neuman
SJCC CEO

MERCER ISLAND CAMPUS
3801 EAST MERCER WAY
MERCER ISLAND WA 98040
206-232-7215

SEATTLE CAMPUS
2618 NE 80TH STREET
SEATTLE WA 98115
206-526-8073

www.SJCC.org

Board of Directors

Executive Committee

Kim Waldbaum
President

Liz Friedman
Vice President

Sharon Lott
Vice President

Barb Maduell
Vice President

Joel Mezistrano
Secretary/Treasurer

Aaron Alhadeff
At Large

Leigh Anne Kiviat
At Large

Aaron Wolff
Immediate Past President

Board Members

Helene Azose
Jill Selber Beilinson
Amy Buckalter
Jeff Cordova
Michele Etsekson
Kim Fisher
Mindy Geisser
Carin Jacobson
Larry Kalman
Gillian O'Connell
Moss Patashnik
Mimi Rosen
Jantha Sidell
Barbara Sulman
Rob Wolf

Judy Neuman
Chief Executive Office

EXHIBIT 2

JEWISH COMMUNITY CENTER OF GREATER SEATTLE

3801 EAST MERCER WAY, MERCER ISLAND, WASHINGTON 98040 • PHONE AD 2-7115



9 June 1971

Mr. Jerry Bacon
M. I. Planning Commission
3505 - 88th Ave. S.E.
Mercer Island, Wa. 98040

Dear Mr. Bacon:

In response to some of the questions raised at the last meeting of the Mercer Island Planning Commission on May 19th --

1. Will there be any outdoor lighting.
Answer: There will not be any outdoor lighting.
2. Where will activities be held
Answer: All recreation and activities conducted within the structure.
3. Membership goal.
Answer: 1,000 families is goal.
4. Grade School activities
Answer: Activities consists of classes i.e. arts, crafts, etc. for children with the school range of 6/12 years of age.

I hope this answers some of the questions raised.

Sincerely,

ALFRED ADLER
Treasurer

A handwritten signature in cursive script that reads "Alfred Adler". The signature is written in dark ink and is positioned below the typed name and title.

FA/rk

J.C.C.



CITY OF MERCER ISLAND, WASHINGTON

July 1, 1971

Mr. John Strasburger
30th Floor Sea First Bldg.
1001 4th Avenue
Seattle, Washington

Dear Mr. Strasburger:

This is to advise you that the Mercer Island City Council, at their regular meeting on June 28, 1971 voted unanimously to affirm the decision of the Planning Commission and deny the appeal of your clients as regards to the conditional approval of plans submitted by the Jewish Community Center.

If you have any further questions on the matter please contact the City Planner, Mr. Bacon.

Yours very truly,

Donald L. Hitchman
City Manager

DLH:lb

cc: City Clerk
City Planner
City Attorney
Jewish Community Center

CITY OF MERCER ISLAND
PLANNING COMMISSION
MINUTES

Public Meeting

May 20, 1970

PRESENT:

W. Hinman
C. Hall
C. Anschell
G. Beck
D. Frothingham

OTHERS:

G. Bacon
J. Hunt
B. Werner

The meeting was called to order at 7:35 P.M. by Chairman Walt Hinman. The minutes of the May executive session were read and approved as written.

PLOT PLAN: Jewish Community Center (Tape 5/1/024)

Mr. Bacon presented exhibits showing the previously approved plot plan, and the proposed addition of a play area and structures for small children. He related the history of complaints from neighbors regarding inadequate screening and unshielded lighting. A recent letter from neighbors, mentioning these problems as well as one of trespass, was read. Mr. Bacon indicated that no landscaping plan for this area had been submitted with the plans under consideration, and felt that one for the whole area should be acquired.

Mrs. Goffe, representing the Jewish Community Center Preschool, explained that every accredited nursery school must have an outdoor play area. Also, the paddling pool would be emptied at the end of each day to avoid hazard.

Mr. Hinman asked what landscape plans and lighting changes could be made. The Director, Mr. Okin, explained the development of their lighting and landscaping to date. Mr. Hinman felt that their lights could easily be blocked in certain areas. Mr. Hanan of the Jewish Community Center Board of Directors stated that they would be willing to do whatever is reasonable, though they might not be able to please some neighbors.

Mr. Jack Scholfield, residing across S.E. 40th Street from the club, felt that the requests of the neighbors were quite reasonable and could be easily met. He implied that the club might be trying to force Mr. Chase to sell to them. Mr. Hanan implied the opposite.

Pete Robertson, 9910 S.E. 40th, described the evolution of the parking lot adjoining his property. He noted that the existing landscaping does a poor job of screening the JCC from his property. He also said his property is used as a short-cut to the JCC by pedestrians. He felt expansion of the facility would increase an already bad problem.

Virginia Montgomery, 9767 S.E. 41st, questioned how emergency vehicles could access the property via a walkway from the JCC parking lot. She also cited a noise problem in that she could now hear children shouting all day long from the present location of the daycare center.

Yvonne Bender, 9920 S.E. 40th, spoke in opposition to the proposal. She suggested that if it were to be granted, provision should be made for ensuring an adequate landscaping screen. She stated she had installed landscaping on her own property in order to supplement the landscaping the JCC had installed after its last expansion.

John Kelly, 9818 Mercerwood Drive, objected to the increase in existing levels of noise and visual pollution.

Clarence Cameron, 3809 97th S.E., asked for denial of the request. He stated that previously promised landscaping had not been installed. His present view was of the back of the JCC buildings, including a dumpster. He felt the JCC had not been a good neighbor, and would continue in the same vein.

Residents of the neighborhood complained about existing levels of JCC-related traffic, noise and the lack of landscaped screening.

Pollock said he was surprised by many of those criticisms.

"A lot of the things that were talked about had never been told to me," he said. Pollock has been executive director of the JCC for six years.

Those complaints from neighbors will be addressed, Pollock said.

EXHIBIT 3



CITY OF MERCER ISLAND, WASHINGTON
DEPARTMENT OF COMMUNITY DEVELOPMENT

May 2, 1985

Dear Party of Record:

Re: Conditional Use Permit - Stroum Jewish Community Center

This letter is to advise you that the Mercer Island Planning Commission denied the above-referenced proposal on May 1, 1985. Persons aggrieved by and wishing to appeal the action of the Commission must file a written "notice of administrative appeal to the City Council" with the City Clerk by May 13, 1985. If no written notice of appeal is received, the Commission's action will be final, and will not be subject to judicial review.

Any administrative appeal of actions taken under the authority of the State Environmental Policy Act (i.e., mitigation measures and/or conditions required as part of a Determination of Nonsignificance; adequacy of an EIS; conditions or denials of the proposal based on SEPA) must be consolidated and filed together with any appeal filed on the Planning Commission's action.

A written notice of administrative appeal should contain a brief and concise statement of the matter being appealed, the applicant's contentions on appeal, and a statement demonstrating standing to appeal. Appellants and parties of record will be notified of the date, place, and time of the Council's appeal hearing.

Please contact the Department of Community Development for additional information.

Sincerely,

A handwritten signature in cursive script that reads "Shannon Hart".

Shannon Hart
Principal Planner

cc: File
Parties of Record
Applicant's Representative

MERCER ISLAND PLANNING COMMISSION
FINDINGS SUPPORTING DENIAL OF
CONDITIONAL USE PERMIT
REQUESTED BY STROUM JEWISH COMMUNITY CENTER
MAY 1, 1985

The Planning Commission finds that the conditional use permit requested by the Stroum Jewish Community Center, to incorporate property at 9824 Southeast 40th and to convert the use of said property from single-family residential to a day care facility, is inconsistent with the criteria for granting of a conditional use permit contained in Section 19.04.1403(B) of the Mercer Island Zoning Code as follows:

1. Although structural and exterior modifications to the existing single-family residence at 9824 S.E. 40th St. are not proposed, the use of said residence is proposed to change to a day care center for 15 to 20 children. Such a facility is not normally permitted by the Mercer Island Zoning Code in single-family residential zones. The Commission concludes, therefore, that the requested permit is not consistent with the restrictions of the R 8.4 zone and Section 19.04.1403(B)(1), MIZC.
2. The proposed use is not acceptable in terms of size and location, nature of the proposed use, character of surrounding development, and traffic capacities of surrounding streets. Approval of the requested conditional use permit would exacerbate the visual, noise, parking, and traffic impacts associated with the J.C.C., which would adversely affect the surrounding residential neighborhood. The proposed day care facility, if approved, would increase J.C.C. - related on-street parking along S.E. 40th St. during peak traffic hours and special events, as it would become possible to walk through the day care center site to the J.C.C. complex. The physiography of the subject property and surrounding neighborhood intensify the noise and visual impacts of the J.C.C. complex. Further magnification of said impacts would adversely affect the surrounding residential neighborhood. Measures to mitigate traffic and parking impacts (e.g., the installation of a barrier across S.E. 40th St.) may conflict with public safety and emergency access requirements.
3. The proposed development would be an encroachment of commercial activity into an existing single-family residential neighborhood. The single-family residential character of said neighborhood is already fragile due to the existence of the J.C.C. complex, Herzl-Ner Tamid Congregation, City shops, and other commercial development adjacent to I-90. Further encroachment of commercial activities to the south of the existing J.C.C. improvements would adversely affect the long term stability of the surrounding single-family residential community.

Findings Supporting Denial of
Conditional Use Permit -
Stroum Jewish Community Center
May 1, 1985
Page 2

4. The proposed use, if approved, would impact the use and development of two currently underdeveloped lots in the northwest quadrant of the intersection of S.E. 40th Street and 99th Avenue Southeast. Approval of requested conditional use permit would result in said lots being surrounded by non-residential uses on three sides (i.e., the day care center to the west, a telephone substation to the east, and the J.C.C. parking lot to the north), and would adversely affect the desirability of said lots for residential purposes. Conversely, if the subject property remains a single-family residence, a single-family residential enclave will be firmly established to the southeast of the J.C.C. complex, which will protect and perpetuate the single-family residential character of the neighborhood.

Planning panel rejects JCC expansion

By JOHN SHANAHAN

Expansion plans for the Stroum Jewish Community Center (JCC) received a major setback May 1 when the Mercer Island Planning Commission refused to allow a house on JCC property to be used as a day care facility.

JCC executive director Gary Pollock said he did not know if he would appeal the decision. That appeal would have to come within 10 days of the hearing.

"We are going to be discussing it with the executive committee and board of directors," he said.

The center applied for a conditional use permit allowing it to convert a 2,100 square foot home at 9824 S.E. 40th St. into a day care facility for 15 to 20 children. The JCC owns the house and surrounding property.

The center hoped to expand day care and senior programs into the residence to reduce the load on the

existing JCC day care facility, which has had to annex the center's board room and a multiple purpose room, and is crowding out other programs, Pollock said.

The move would not have increased JCC traffic or noise levels from what they are at present, Pollock said.

HOWEVER, planning commission members voted unanimously that the conditional use, if approved, would have a negative impact on the neighborhood around the JCC.

The commission noted that the single family nature of the neighborhood was already fragile "due to the existence of the JCC complex, Herzl Ner Tamid Congregation, city shops and other commercial development adjacent to I-90."

Allowing the house to be used as a day care center, the commission felt, would have meant surround-

ing two lots at the corner of 40th S.E. and 99th Ave. S.E. with non-single family use on three sides, making their residential development unlikely.

The JCC had previously expressed interest in purchasing the lots.

In effect, the planning commission ruling draws the line on commercial development in the neighborhood.

Residents of the neighborhood complained about existing levels of JCC-related traffic, noise and the lack of landscaped screening.

Pollock said he was surprised by many of those criticisms.

"A lot of the things that were talked about had never been told to me," he said. Pollock has been executive director of the JCC for six years.

Those complaints from neighbors will be addressed, Pollock said.

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OPENING

COMPACT
ISC
DIGITAL AUDIO

ENTER THE SILVER PLATTERS TECHNICS SLP-1 CD
PLAYER GIVEAWAY! Courtesy of Magnolla Hi-Fi

LEONARD BERNSTEIN conducts his
WEST SIDE STORY
Te Kanawa • Carreras • Troyanos • Horne



12.85

STRAVINSKY
RITE OF SPRING
DUTOIT • MONTREAL



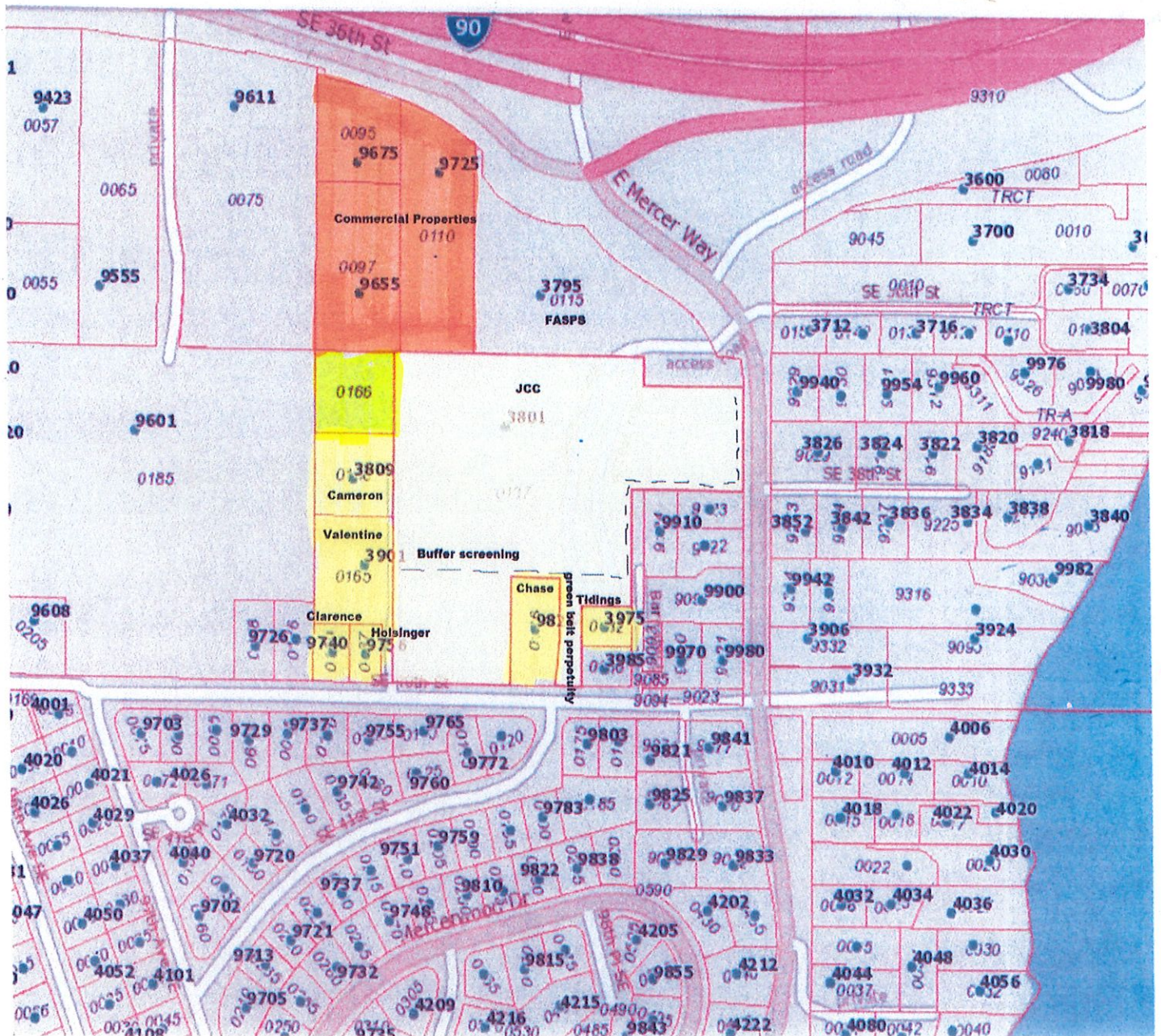
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4 SEASONS HOGWOOD
ACADEMY OF ANCIENT MUSIC

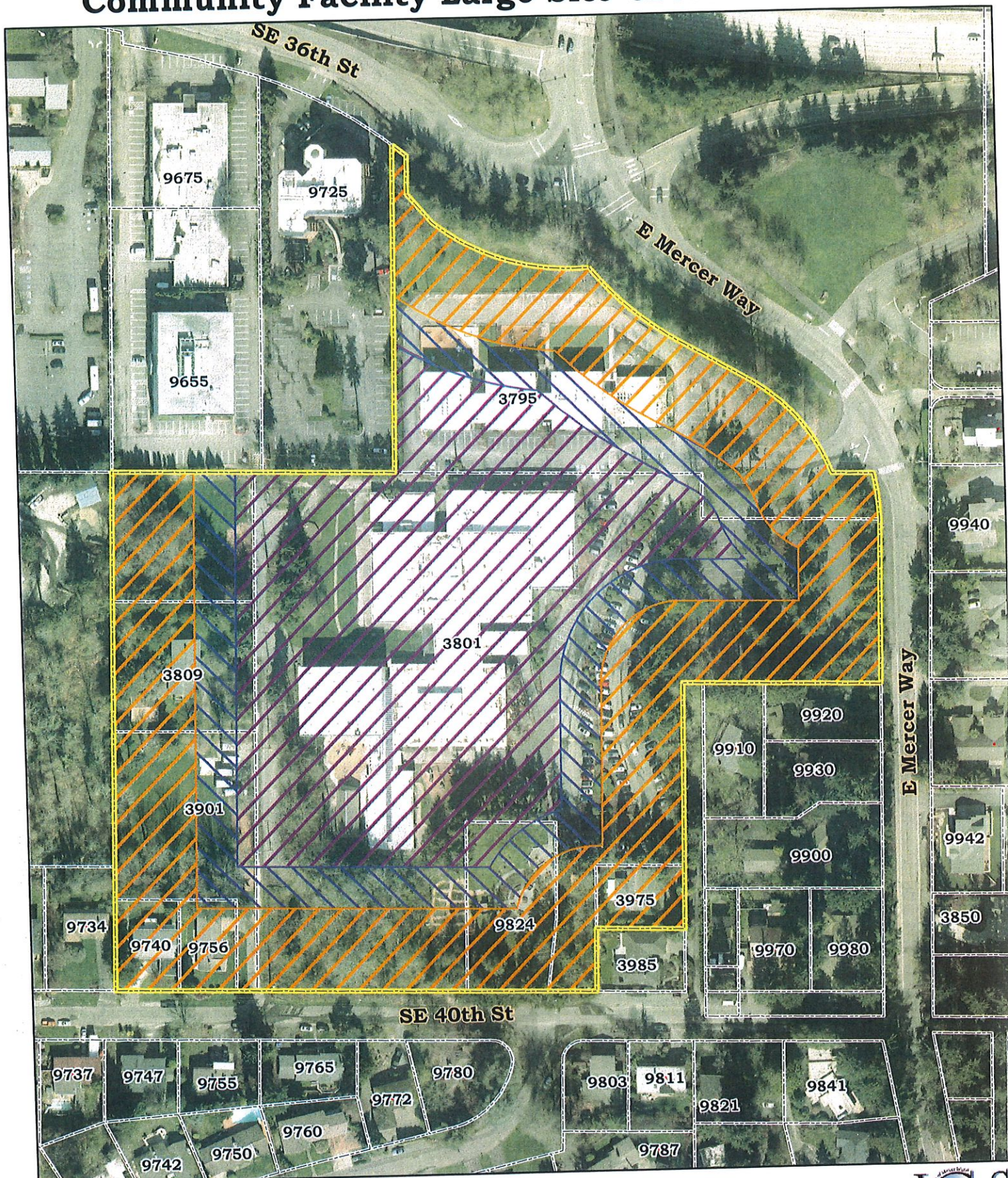





EXHIBIT 4



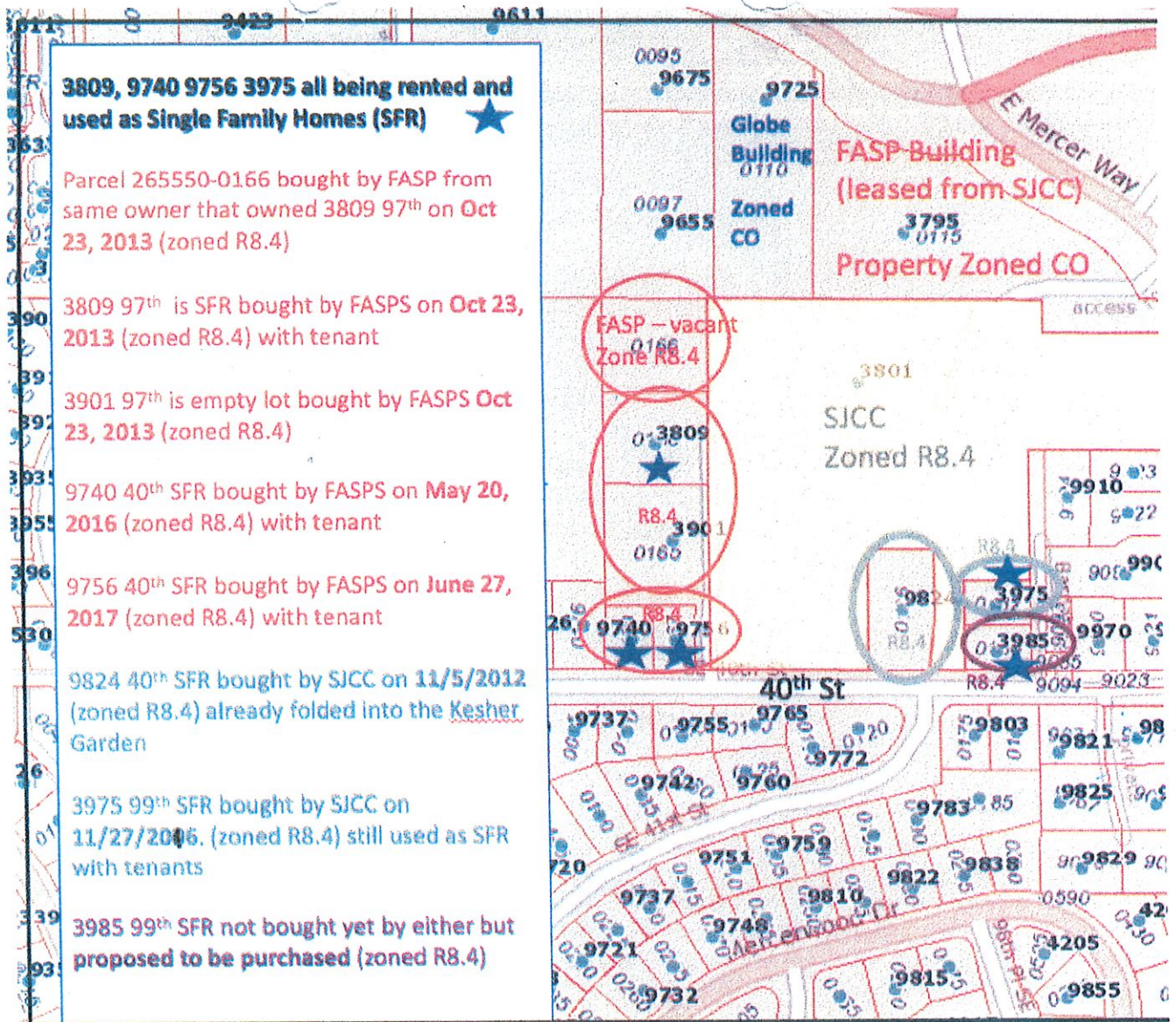
Red – Commercial
 Yellow & Green – Residential purchased
 on speculation

Community Facility Large Site Gross Floor Area



-  0-100 feet from Residential or ROW: 0%
-  100-150 feet from Residential or ROW: 20%
-  More than 150 feet from Residential or ROW: no limit

-  Large Site Perimeter
-  Property Lines



- 3809 97th SE was sold to French School by Clarence Cameron
- 3901 97th SE was sold to French School by Kathleen and Thomas Valentine
- 9740 40th was sold to French School by Larry Clarence
- 9756 40th was sold to French School by Earnestine Holsinger

- 9824 40th sold to SJCC by Washington St Holocaust Education in 2012, I cannot see who owned it before this
- 3975 99th sold to SJCC by Eric Nordling
- 3985 99th owned by Suzanne and Robert Lazear who bought it back in 2001 from Maurice and Margaret Keating

EXHIBIT 5

Neighbors oppose JCC plans

City OKs JCC street vacation

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By Stephen Weigand
Mercer Island Reporter

The Mercer Island City Council unanimously approved a street vacation request by the Stroum Jewish Community Center, paving the way for the center's proposed expansion plans.

The city will be compensated for the vacation in the amount of the appraised value for the land.

Although two neighbors of the JCC filed letters with the city expressing their opposition to the street vacation — mostly on the ground that approving the vacation allows the JCC to add more density, traffic and congestion — only one of them spoke at the meeting last Monday.

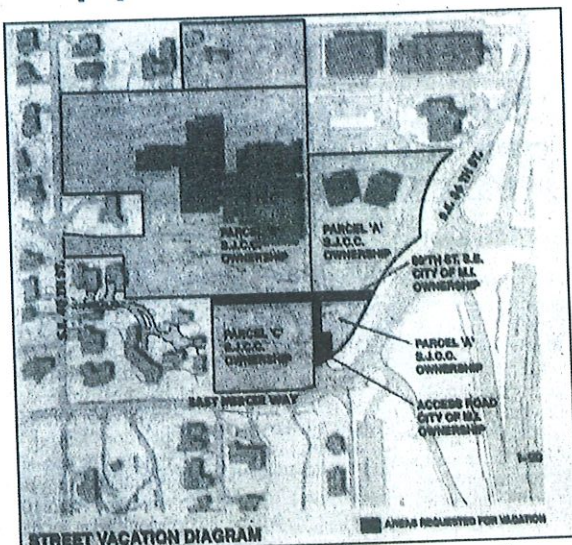
"It's another tool for them to increase density," said John Hall.

Hall said that he and other neighbors will legally challenge the expansion plans if they need to.

Mayor Alan Merkle assured Hall that approval of the street vacation doesn't increase the JCC's density in itself and that Hall would have the chance to state his case against expansion when the time comes.

But according to JCC director Barry Sohn, there are no imminent plans to expand the facility and create a so-called Jewish campus on Mercer Island.

The JCC site already has a fitness center, classrooms, administrative offices, the French American School of Puget Sound and parking. A master plan calls for the addition of new classrooms, administrative offices, learning center and fitness facilities, bringing the total build-



The above map shows in dark blue the property recently vacated by the City of Mercer Island to the JCC.

ing area from 89,694 square feet to 222,092 square feet. In addition, the JCC is discussing with other Jewish organizations about moving to Mercer Island to create a Jewish campus.

Sohn said that other Jewish agencies have yet to say whether they want to move to the Island to build a campus, and that the street vacation was recommended by its architects.

"Again at this point, it's not like the bulldozers are coming in tomorrow," he said. "I have no idea if and when the expansion will proceed."

The JCC filed the petition for the vacation of two rights-of-way in August 2002 and is in the first step in evaluating the feasibility of improving the site.

Hall argues that the street vacation gives the JCC more room to increase density on the site and that an expansion invades the neighborhood.

Hall, a 48-year-old homebuilder that has lived near his current home

for 46 years, claimed that the city made a promise to neighbors that the city would protect their rights and limit the JCC's expansion plans to the north where the French American School is currently located.

"A lot of us in the neighborhood feel we should expect the city should keep their promise," Hall said.

"You can't expand to the size (the JCC wants) without impacting us," he continued.

Richard Hart, director of the city's Development Services Department, said he has no knowledge of promises made to neighbors and that land-use decisions are made by the City Council and Planning Commission. He added that there is nothing on the JCC's conditional use permit that says it cannot expand or petition the city to modify the permit.

Although he realizes the JCC has a right to expand, Hall said he sees it as the neighborhood fighting for its values, lifestyle and property rights — and that the city promised that they weren't going to be able to expand.

"We don't have a problem with their facility or expansion, except in how it impacts us," he said.

Sohn described the JCC's plan as just one scenario. He acknowledges that that kind of density could potentially exist, but added that he thinks the chances of that happening soon are pretty remote.

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STREET VACATION CRITERIA RESPONSE- TITLE 19.09.070

Criteria for granting Street Vacations per Mercer Island Zoning Code, Section 19.09.070:

- a. Granting the vacation will not conflict with the general purposes and objectives of the city's comprehensive plan as to land use, streets, utilities, drainage, parks, trails, and open space.

Vacating the indicated portion of 99th Avenue SE and the area near the existing entry to the Stroum Jewish Community Center (SJCC) would not conflict with any of the purposes and objectives of the City's Comprehensive Plan. A 5,445 square foot area near the SJCC entry is a remnant of the property acquired by the Washington State Department of Transportation for the construction of Interstate 90. The ownership of this property reverted to the City of Mercer Island, but there is no evidence that it was ever intended to be City right-of-way.

No connection from the south into the property is desired by either the neighborhood or the applicants. The City has indicated that access to the site from the north via S.E. 36th is not considered desirable. Therefore, the use of 99th Avenue S.E. is considered detrimental from both the north and the south. The SJCC controls adjacent property on both sides of the right-of-way proposed for vacation, and does not intend to utilize 99th Avenue S.E. for access.

The remnant WASHDOT property is currently used for access to the site and would remain in that use. The parking garage would lie below the access road.

The survey does not indicate the presence of any utilities in the 99th Avenue S. E. right-of-way. Existing utility easements for Puget Sound Energy on the remnant WASHDOT property will be maintained or revised at the direction of Puget Sound Energy.

Trees on the City right-of-way will be either protected or relocated according to plans subject to a Conditional Use Permit. The only trails on the right-of-way are those used by people at the SJCC to access parking.

- b. The street or portion thereof, is not likely to serve a useful public purpose both now and in the future, which cannot be met through use of easements for a specific purpose, or the vacation will best serve the public interest.

The use of 99th Avenue S.E. north of S.E. 40th is limited to a small grouping of single-family residences. The SJCC has been careful to avoid access to their facility from the single-family neighborhood to the south. A street vacation would formalize the intent of not using this land for access to the site.

The remnant WASHDOT property is currently used for as a private access road serving the site and would remain in that use. Vacation of this land would allow the construction of the parking garage, which would place the bulk of parking, now on the surface, below grade.

- c. The vacated area will not increase the number of single-family building sites or multi-family density.

No single-family or multi-family building sites would be affected.

- d. The request for vacation was not initiated to correct a condition created by an applicant in violation of city ordinance

There are no current violations of any City ordinances.

- e. The vacated area cannot be used to increase commercial density

The vacation is being pursued because the right-of-way runs through the center of the SJCC's property. This property is not of use to the City, but allows flexibility in the layout of facilities for the site. It does not increase commercial density.