

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



DOCKET REQUEST FORM

PURPOSE

The City of Mercer Island is accepting requests for amendments to its comprehensive plan and development code, to be considered in 2022. Requests to amend the comprehensive plan and development code are placed on a preliminary docket of suggested amendments to be reviewed for initial consideration by the Planning Commission and City Council in the fall of 2021. Requests that are added to the final docket by the City Council will receive additional analysis and consideration in 2022. Comprehensive plan and development code amendment requests require a Docket Request Form.

A complete Docket Request Form shall be submitted to the City of Mercer Island by Friday, October 1st at 5:00 PM via email to alison.vangorp@mercerisland.gov or mailed to the City of Mercer Island, Attention Alison Van Gorp, 9611 SE 36th Street, Mercer Island, WA 98040.

Prior to submitting a Docket Request Form, the applicant should meet with planning staff to ensure that applicable decision criteria are adequately addressed, and all necessary information is submitted. Docket Request forms that are determined to be incomplete will not be included in the public review process. If a request is accepted for review on the final docket, a State Environmental Policy Act (SEPA) Checklist may be required to be submitted for review.

For more information regarding this process, please review Mercer Island City Code [19.15.230](#), [19.15.250](#) and [19.15.260](#) or contact Alison Van Gorp, Deputy Director, at alison.vangorp@mercerisland.gov.

CONTACT INFORMATION

Name: Anjali Grant

Address: 3427 Beacon Ave S

Phone: 2065124209

Email: anjali@agrantedesign.com

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner: Herzl Ner-Tamid

Address: 3700 East Mercer Way

County Assessors Parcel No.: 0824059045

Parcel Size (sq. ft.): 26,774 sf

Is this request for a Comprehensive plan amendment or a development code amendment?

Comprehensive Plan amendment Development Code amendment

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (see [MICC 19.15.250\(C\)\(2\)](#) for more information)?

Suggestion

Application

Please note: applications are subject to applicable permit fees. Please see our [Land Use Approval fee schedule](#) for applicable fees.

REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):
Please see attached document.

Signature:



Anjali Grant
2021.09.30 08:29:42-07'00'

Date:

9/30/2021

DOCKET REQUEST FORM REQUEST DESCRIPTION

This Code Amendment proposes that the Mercer Island Municipal Code, Chapter 19 be amended to be consistent with the Mercer Island Comprehensive plan by allowing public and private schools as a permitted use in the B Business zone. (19.04.050 Business – B; B. Uses Permitted).

There are three areas of Mercer Island where the B zone exists, all just south of the I-90 corridor: at SE 24th Street near 74th Avenue SE; at 81st Place SE and SE 28th Street; and at East Mercer Way, near SE 38th Street. The first two areas are on the borders of the Town Center; the third area is an extension of the Commercial CO zone to the west.

Per 19.15.250, D of the Mercer Island Municipal Code, the city may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

CONSISTENCY WITH COMPREHENSIVE PLAN

Section 19.04.050 of the Mercer Island Municipal Code, as written, is in conflict with the Comprehensive Plan.

The current Comprehensive Plan explains the CO and B designations as follows (emphasis added):

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.**

Current Mercer Island Code Section 19.04.050 conflicts with this designation as it does not allow for schools.

In addition, the Comprehensive Plan includes the phrase "Education is the Key" as one of its community values and states both that Mercer Island will continue to

provide a wide range of educational services for the community's varied population, and that ***educational and religious organizations are important and integral elements of the community character and fabric***. Uses in commercial zones outside the town center are meant to be compatible with the residential character of the community; education is described as a compatible use that is encouraged.

As such, the proposed Code Amendment is consistent with the description of the Land Use designation 'Commercial Office,' as described in the Comprehensive Plan, which supports schools as a complementary use to commercial offices, as well as the educational values outlined in the Comprehensive Plan. The commercial office land use designation, as described in the comprehensive plan and accompanying map, includes both CO and B zones. Further information supporting this amendment is included as ***Appendix A*** to this document.

SUBSTANTIAL RELATION TO THE PUBLIC HEALTH, SAFETY, OR WELFARE

Education is vital to the health, safety and well-being of our families and is one of Mercer Island's stated community values. Similar permitted uses in the B zone include theaters; commercial recreational areas; preschools and day care centers for children up to age 12. Allowing K-12 schools in this zone increases the likelihood that future development will support the health, safety and well-being of the public.

IN THE BEST INTEREST OF THE COMMUNITY AS A WHOLE

The proposed Code Amendment will retain the residential character of the neighborhood. Similar permitted uses in the B zone include theaters; commercial recreational areas; preschools and day care centers for children up to age 12. Adding K-12 schools to the list of permitted uses will bring this zone into alignment and consistency with the comprehensive plan and will likely have less environmental impact on the neighborhood than many of the uses already permitted. A school community is able to implement traffic reduction strategies, such as carpooling, bus and van use, and staggered start times, and make lasting community connections.

APPENDIX A: ADDITIONAL INFORMATION TO SUPPORT THE REQUESTED CODE AMENDMENT

Applicable sections of the *Mercer Island Comprehensive Plan 2015-2035* are excerpted below, with added emphasis:

II. LAND USE ELEMENT

Community Values

Education is the Key

The community and its public and private institutions are committed to provide excellence in education.

How the Values Are Manifested

Community Services: 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.

Residential Land Use: Residential; Environmental Stewardship; Leadership; Citizen Involvement; Neighborhood Pride

Civic, recreation, education 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.

IV. 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 overall residential character of the community.

V. LAND USE POLICIES

Outside the Town Center

GOAL 15: Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through **code amendments**.

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. **Compatible permitted uses such as education**, recreation, **open spaces**, government social services and religious activities **will be encouraged**.

VII. LAND USE DESIGNATIONS

Table

Land Use Designation	Implementing Zoning Designations	Description
Commercial Office	CO B	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. <u>Complementary land uses</u> (e.g. healthcare uses, <u>schools</u> , places of worship, etc.) <u>are also generally supported within this land use designation</u> .

EXISTING SCHOOLS AND ZONING

K-12 SCHOOLS ON MERCER ISLAND

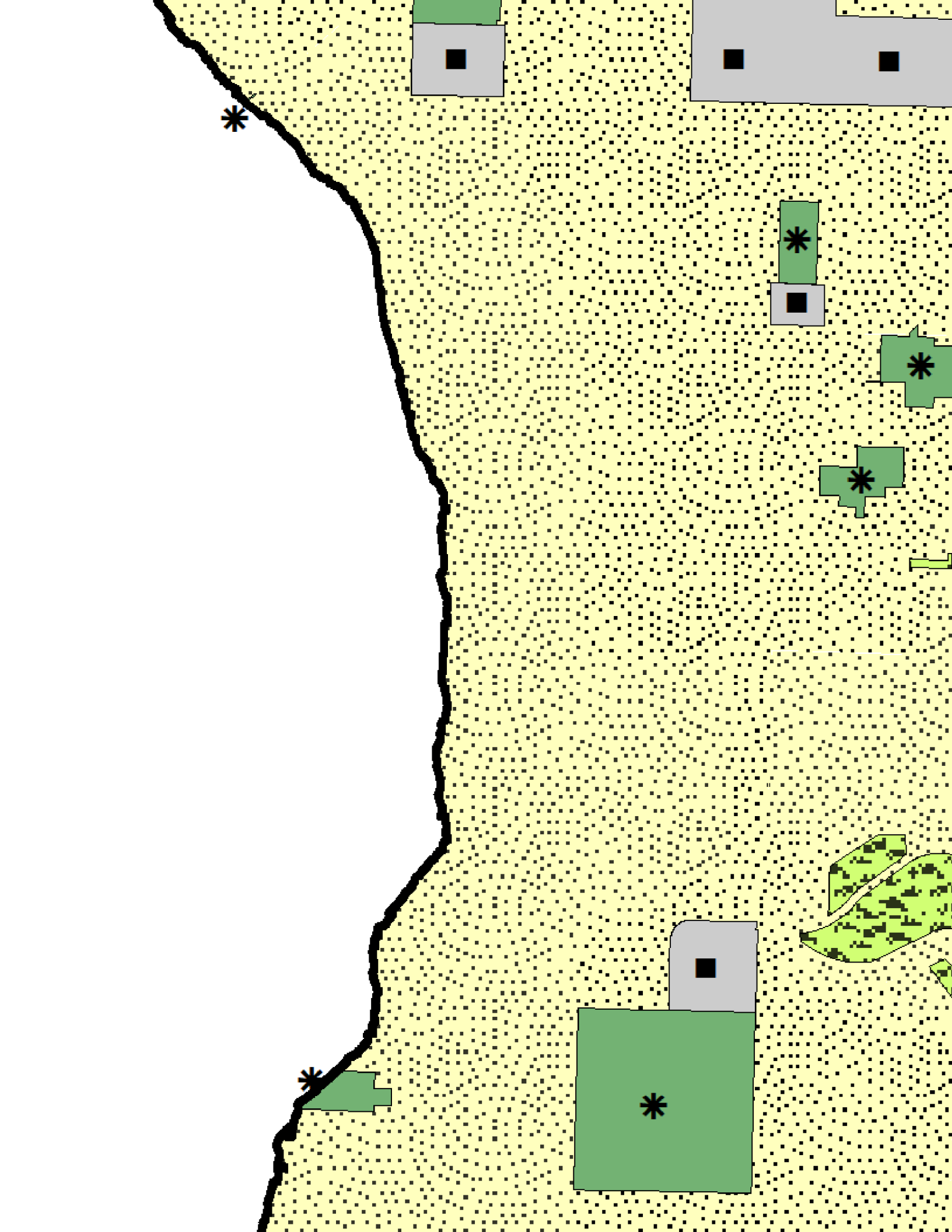
Approximately 5,200 students currently attend school on the island.

- Northwest Yeshiva High School
50 students, private co-ed college prep
- Lakeridge Elementary
404 students, public (MISD)
- Islander Middle School
1,030 students, public (MISD)
- Island Park Elementary School
367 students, public (MISD)
- St. Monica School
201 students, private preK-8
- Mercer Island High School
1,557 students, public (MISD)
- West Mercer Elementary School
428 students, public (MISD)
- Northwood Elementary School
414 students, public (MISD)
- French American School of Puget Sound
426 students, private preK-8
- Yellow Wood Academy
123 students, private K-12
- Privett Academy
180 students, private 6-12

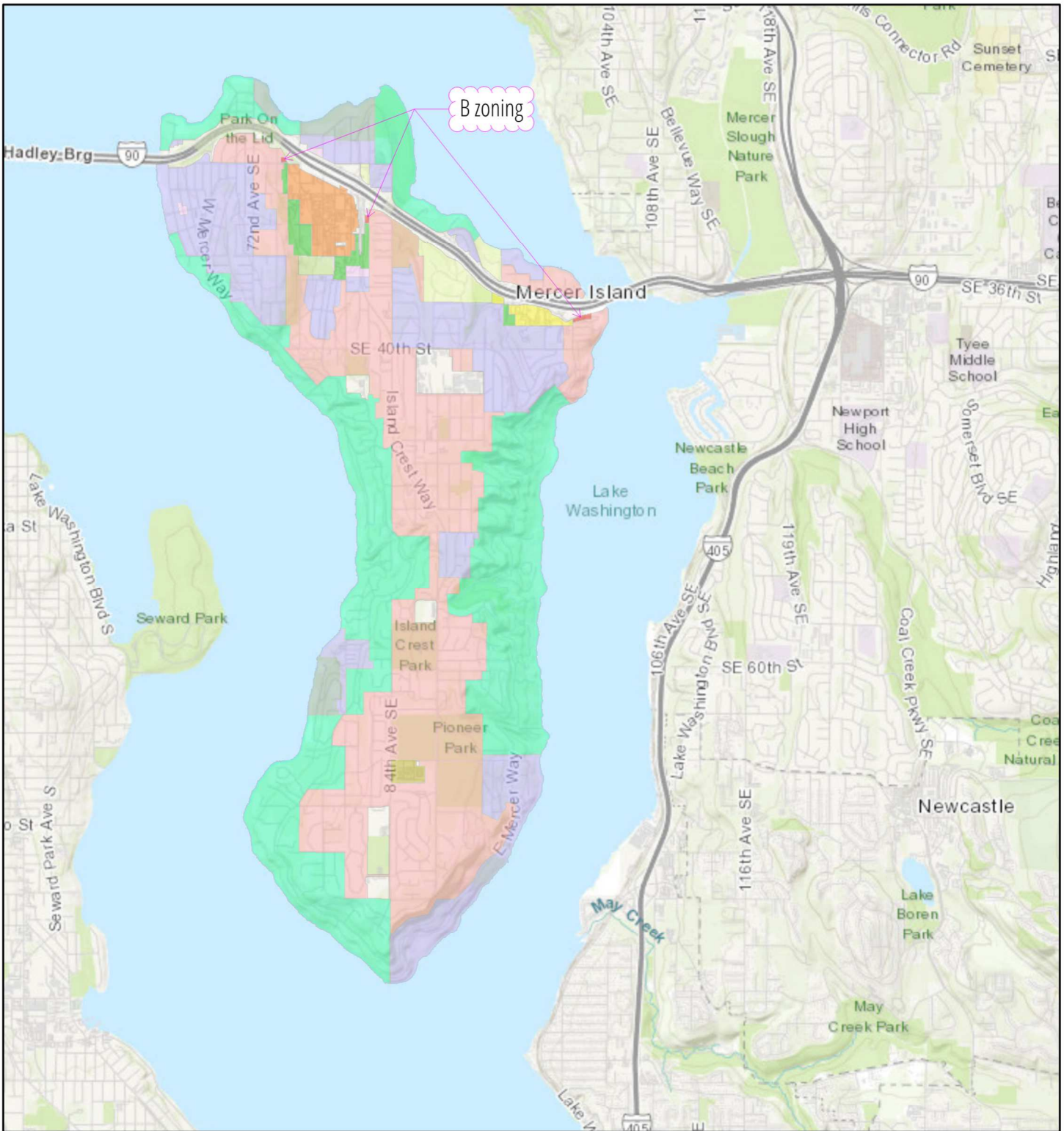
Of those, the French-American School is in the CO zone; the MISD schools are in dedicated Public Institution zones within residential neighborhoods; and the rest are in residential zones.

Below is a table showing where K-12 schools are a permitted use, where a conditional use, and where they are not allowed. They are allowed as a conditional use in all residential zones, which supports the Comprehensive Plan definition of a **compatible use**. They are not allowed in the Town Center or in the Planned Business Zone, as more dense retail environments are encouraged. They are allowed in CO commercial office zones, supporting the Comprehensive Plan definition of a **compatible use**, subject to design commission review and providing ¼ acre of usable open space abutting or adjacent to the site. We are seeking to add schools as a permitted use in the B Business zone.

Zones	Public schools	Private schools
R-8.4, R-9.6, R-12, and R-15	<p>19.02.010 A. PERMITTED</p> <p>4. Public schools accredited or approved by the state for compulsory school attendance, subject to design commission review and all of the following conditions:</p> <p>a. All structures shall be located at least 35 feet from any abutting property and at least 45 feet from any public right-of-way.</p> <p>b. Off-street parking shall be established and maintained at a minimum ratio of one parking space per classroom with high schools providing an additional one parking space per 10 students.</p> <p>c. A one-fourth acre or larger playfield shall be provided in one usable unit abutting or adjacent to the site.</p>	<p>19.02.010 C. CONDITIONAL</p> <p>C. Conditional Uses. The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section and in MICC 19.15.040 have been met:</p> <p>2. Private schools accredited or approved by the state for compulsory school attendance, subject to conditions set out in subsection (A)(4) of this section.</p>
MF-2, MF-2L, MF-3	<p>19.03.010 B.1., C1., D.1.</p> <p>Any use permitted in zones R-8.4, R-9.6, R-12, and R-15.</p>	
PBZ	<p>19.04.010 B. Uses Permitted.</p> <p>Not listed as a Permitted Use.</p>	
CO	<p>19.04.020 A. Uses Permitted.</p> <p>13. Public and private schools accredited or approved by the state for compulsory school attendance, subject to design commission review and the following conditions:</p> <p>a. A one-fourth acre or larger playfield, play surface or open space shall be provided in one usable unit abutting or adjacent to the site.</p>	
B	<p>19.04.050 B. Uses Permitted.</p> <p>Not listed as a Permitted Use.</p>	
Town Center (all subareas)	<p>19.11.020 Land uses, Use Table by Subarea</p> <p>Neither a Permitted nor a Conditional use.</p>	



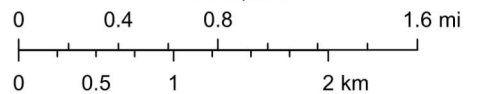
ArcGIS Web Map



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Zoning	R-12	MF-3	P
B	R-15	R-8.4	
C-O	MF-2	R-9.6	
PBZ	MF-2L	TC	



Mercer Island GIS, City of Bellevue, WA, Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS