



PLANNING COMMISSION

SPECIAL HYBRID MEETING AGENDA

Wednesday, November 19, 2025 at 6:00 PM

PLANNING COMMISSIONERS

Chair: Dan Thompson
Vice Chair: JB Gibson
Commissioners: Kate Akyuz,
Nazim Nice, and Anthony Perez

LOCATION

Mercer Island Community & Event Center and Zoom
8236 SE 24th Street | Mercer Island, WA 98040
(206) 275-7706 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for Planning Commission meetings should notify the Deputy City Clerk's Office 3 days prior to the meeting at (206) 275-7793 or by emailing cityclerk@mercerisland.gov.

Individuals wishing to speak live during Public Appearances (public comment period) or during a scheduled public hearing must register with the Deputy City Clerk at (206) 275-7791 or cityclerk@mercerisland.gov by 4pm on the day of the Planning Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 6:00 pm (Public Appearances will start sometime after 6:00 PM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **898 7251 9268**, Passcode **403600**.
- 2) **Zoom:** Click this [Link](#) (Webinar ID **898 7251 9268**, Passcode **403600**)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

This is the opportunity for anyone to speak to the Commission about issues of concern. Please limit your comments to three minutes.

SPECIAL BUSINESS

1. Planning Commission Meeting Minutes

Recommended Action: Approve the October 22, 2025 Regular Meeting minutes.

2. PCB25-20: Public Hearing for Rezone of Two City-Owned Properties

Recommended Action: Hold the public hearing for the rezone of two city-owned properties and make a recommendation to the City Council.

OTHER BUSINESS

3. Staff Report

ADJOURNMENT



PLANNING COMMISSION SPECIAL MEETING MINUTES

Wednesday, October 22, 2025

Item 1.

CALL TO ORDER

The Planning Commission was called to order by Chair Thompson at 6:00 pm.

Chair Dan Thompson, Vice Chair JB Gibson, and Planning Commissioners Kate Akyuz, Nazim Nice and Anthony Perez were present.

Staff Participation:

Alison Van Gorp, Deputy CPD Director
Molly McGuire, Senior Planner
Raven Gillis, Recreation Specialist

Adam Zack, Principal Planner
Deb Estrada, Deputy City Clerk
Kim Adams Pratt, Contract Legal Counsel (Remote)

PUBLIC APPEARANCES

Amy Lavin, Mercer Island resident and CEO of the Stroum Jewish Community Center, spoke in opposition to Docket Proposals 2, 3, 4, and potentially 5.

Jessica Clawson, Mercer Island resident and Attorney for Stroum Jewish Community Center, spoke in opposition to Docket Proposals 2, 3, 4, and 5.

2026 Annual Docket Project proponents that registered to speak addressed the Planning Commission.

Mathew Golbach spoke in support of his proposed amendments 2, 3, and 4.

Daniel Thompson spoke in support of his proposed amendments 5 through 9.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes of October 8, 2025, Special Meeting:

A motion was made by Akyuz; seconded by Nice to:

Approve the minutes.

Motion Passed 5-0

2. PCB25-19: 2026 Annual Docket

Deputy Director Alison Van Gorp and Senior Planner Molly McGuire reviewed the following with Commissioners:

- Docketing Procedures and Criteria
- Staff and Commission Capacity
- Work Plan: Outstanding 2024 and 2025 Annual Docket Items
- Work Plan: Interim Regulations and Other Outstanding Items
- Decision Process

Commissioners discussed each proposal and took action as follows:

Motion by Perez; seconded by Gibson to

Not docket Amendment 25-1 for the final 2026 Docket.

Motion Passed 5-0

Motion by Akyuz; seconded by Perez to
Not docket Amendment 25-2 for the final 2026 Docket.
 Motion Passed 4-1

Motion by Akyuz; seconded by Perez to
Not docket Amendment 25-3 for the final 2026 Docket.
 Motion Passed 5-0

Motion by Akyuz; seconded by Perez to
Not docket Amendment 25-4 for the final 2026 Docket.
 Motion Passed 4-1

Motion by Thompson; seconded by Gibson to
Docket Amendment 25-5 for the final 2026 Docket.
 Motion Failed 4-1

Motion by Akyuz; seconded by Nice to
Not docket Amendment 25-6 for the final 2026 Docket.
 Motion Passed 4-1

Motion by Nice; seconded by Akyuz to
Not docket Amendment 25-7 for the final 2026 Docket.
 Motion Passed 4-1

Motion by Gibson; seconded by Nice to
Docket Amendment 25-8 for the final 2026 Docket.
 Motion Failed 3-2

Motion by Akyuz; seconded by Nice to
Not docket Amendment 25-9 for the final 2026 Docket.
 Motion Passed 4-1

Motion by Perez; seconded by Gibson to:
Authorize staff to prepare a recommendation to the City Council on the docket proposals to include in the final docket.
 Motion Passed 5-0

OTHER BUSINESS

3. Staff Report

CPD Deputy Director, Alison Van Gorp, requested that the Chair Thompson stay after the meeting to sign the recommendation to Council. She further noted that the only remaining meeting this year is a Special Meeting for November 19.

ADJOURNED - The meeting adjourned at 7:40 pm

Deborah Estrada, Deputy City Clerk



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-20
November 19, 2025
Public Hearing

AGENDA BILL INFORMATION

TITLE:	PCB 25-20 Public Hearing for Rezone of Two City-Owned Properties	☐ Discussion Only ☒ Action Needed: ☒ Motion ☒ Recommendation
RECOMMENDED ACTION:	Hold the public hearing for the rezoning of two city-owned properties and make a recommendation to the City Council.	

STAFF:	Alison Van Gorp, Community Planning and Development Deputy Director Molly McGuire, Senior Planner
EXHIBITS:	1. RZN25-001 Staff Report 2. Quasi-Judicial Proceeding of Site Specific Rezone Application Memorandum from City Attorney

EXECUTIVE SUMMARY

The purpose of this agenda bill is to hold the public hearing and arrive at a Planning Commission recommendation for the reclassification of property (rezoning) for two City-owned properties, identified by parcel numbers 2655500075 and 2655500185, also known as the City Hall and Public Works Maintenance and Operations properties. The properties are currently zoned Commercial Office (C-O) and Single-Family Residential (R-8.4) and designated "Public Facility" in the City's Comprehensive Plan. If the rezoning is adopted by the City Council, the properties would be zoned Public Institution (PI).

- On September 16, 2025, the City Council directed the City Manager to apply for the reclassification of two City-owned properties from C-O and R-8.4 to (PI) to the Community Planning and Development (CPD) Department.
- CPD received the application on September 17, 2025 and the application was determined to be complete for processing on September 19, 2025.
- Four public comments were received during the public comment period, and are included in the Staff Report in Exhibit 1.
- Site specific reclassifications of property (rezones) must be reviewed and decided through quasi-judicial proceedings.
- At its November 19 meeting, the Planning Commission will hold a public hearing and consider public comments as well as the staff report and criteria in the Mercer Island City Code (MICC) Chapter 19.15. The Commission is expected to make a recommendation to the City Council for consideration at its December 2, 2025 regular meeting.

BACKGROUND

Summary of the Application

On September 16, 2025, the City Council directed the City Manager to apply for the reclassification of two City-owned properties from C-O and R-8.4 to (PI) to the Community Planning and Development (CPD) Department ([AB 6779](#)). On September 17, 2025, Kellye Hilde, Public Works Deputy Director, [submitted an application](#) for the reclassification (rezoning) of two City-owned properties. The application was determined to be complete on September 19, 2025 and a combined Notice of Application, Notice of Public Hearing, and

intent to issue a SEPA Determination of Non-Significance (“Notice”) was issued consistent with the procedures in MICC 19.15.260. The Notice was published in the City’s Weekly Permit Bulletin, mailed to properties within 300 feet of the subject properties, and two signs were posted on-site visible from the public right-of-way on September 29, 2025. The Notice was also published in the Mercer Island Reporter on October 1, 2025. CPD issued a SEPA Determination of Non-Significance (DNS) on November 3, 2025. The appeal period closes on November 17, 2025 at 5:00PM. Four public comments were received during the public comment period and are included in Exhibit 1.

Quasi-Judicial Review

Site specific reclassifications of property (rezones) must be reviewed and decided through quasi-judicial proceedings. The decision maker determines the legal rights, duties, or privileges of specific parties in a hearing in quasi-judicial proceedings. In this case, the decision makers are the Planning Commission and City Council, who will determine whether the City, as the applicant and owner of the parcels, has met the criteria for rezoning the properties.

As a quasi-judicial body, the Planning Commission will be subject to the Appearance of Fairness Doctrine (“Appearance of Fairness”). The Appearance of Fairness requires the proceedings to be conducted in ways that are fair and unbiased, both in fact, as well as appearance. It prohibits the decision maker from prejudging the decision; being biased against a party; having a personal conflict of interest; and being partial in any other way. Please refer to the memorandum from Bio Park, City Attorney to the Mercer Island Planning Commission Members regarding the Quasi-Judicial Proceeding of Site Specific Rezone Application contained in Exhibit 2 for more information on the Appearance of Fairness Doctrine.

Pursuant to MICC 19.15.260(B), the Planning Commission shall consider the proposed amendment for conformance with the criteria listed in MICC 19.15.240 (the applicable section) and make a written recommendation on the review to the City Council.

MICC 19.15.240 – Reclassification of property (rezones)

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;
2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010;
3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;
4. The proposed reclassification does not constitute an illegal site-specific rezone;
5. The proposed reclassification is compatible with surrounding zones and land uses;
6. The proposed reclassification does not adversely affect public health, safety and welfare; and
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.

ISSUE/DISCUSSION

Consistent with CPD practices, staff prepared a Staff Report (Exhibit 1) containing staff findings on the consistency of the rezone application with the criteria in MICC 19.15.240(C). The Planning Commission shall consider the proposed rezone for conformance with these criteria.

In addition to the staff report, the Planning Commission should consider public comments submitted to the City (Exhibit 1, pg. 62-70), as well as comments provided during the public hearing on November 19, 2025.

During the meeting, the following steps will be taken to complete the quasi-judicial review of the rezone application:

1. Planning Commission Chair explains process
2. Swearing in of witnesses
3. Appearance of fairness questions
 - a. Opportunity for challenges
4. Public comment
5. Presentation from applicant (10 minutes)
6. Presentation from City (10 minutes)
7. Rebuttal (if any – both parties)
8. Planning Commission Deliberations
9. Adoption of findings on reclassification criteria
10. Recommendation

Based on the PC's direction at the meeting, staff will prepare a draft of the written recommendation, which will be reviewed and signed by the Chair.

NEXT STEPS

The City Council will consider the Planning Commission's recommendation at its December 2 public meeting where it may adopt or reject the Planning Commission's recommendations or remand the review back to the Planning Commission.

RECOMMENDED ACTION

Hold the public hearing for the rezone of two city-owned properties and make a recommendation to the City Council.

STAFF REPORT AND RECOMMENDATION

Reclassification of Property (Rezone) RZN25-001 – Exhibit 1

Project Number:	RZN25-001	
Project Name:	City of Mercer Island Public Works and City Hall Rezone	
Review Type:	Quasi-judicial	
Description:	A request for a reclassification of property (rezone) of two City-owned properties from Commercial Office (C-O) and Single-Family Residential (R-8.4) to Public Institution (PI). Both sites are designated as Public Facility in the City's Comprehensive Plan.	
Applicant/Owner:	City of Mercer Island / Kellye Hilde, City of Mercer Island Public Works Deputy Director	
Address:	9601 & 9611 SE 36th St, Mercer Island, WA 98040 King County Assessor tax parcel numbers: 965550-0185; 265550-0075	
Zoning Designation:	Commercial Office (C-O); Single-Family Residential (R-8.4)	
Staff Contacts:	Molly McGuire, Senior Planner Jeff Thomas, Director	
Key Project Dates:	Date of Application:	September 17, 2025
	Determined to be Complete:	September 19, 2025
	Notice of Application Bulletin Published:	September 29, 2025
	Notice of Application Mailed:	September 29, 2025
	Notice of Application Posted on Site:	September 29, 2025
	Comment Period Ended:	Close of Public Hearing on November 19, 2025
	Notice of Public Hearing Bulletin Published:	September 29, 2025
	Notice of Public Hearing Mailed:	September 29, 2025
	Notice of Public Hearing Posted on Site:	September 29, 2025
	Notice of Public Hearing Published in Mercer Island Reporter:	October 1, 2025
	Date of Open Record Public Hearing:	November 19, 2025 at approximately 6:00PM

Exhibits:

1. Staff Report, dated November 19, 2025
2. Development Application
3. Reclassification of Property Application
4. Project Narrative and Criteria Compliance Narrative
5. Title Report for 9601, dated August 25, 2025
6. Title Report for 9611, dated August 25, 2025
7. Vicinity Map
8. Zoning Map, generated by the City of Mercer Island on October 8, 2025
9. Existing and Proposed Zoning Map, generated by the City of Mercer Island on September 30, 2025
10. Transportation Concurrency Certificate (TCC25-018), issued by the City of Mercer Island on November 10, 2025
11. Determination of Complete Application, issued by the City of Mercer Island on September 19, 2025
12. RZN25-001 Combined Notice of Application and Notice of Public Hearing, dated September 29, 2025
13. RZN25-001 Mercer Island Reporter Publishing Proof, dated September 25, 2025
14. Public Comments
 - 14.1. Ryan Callahan and Jennifer Hart, received September 30, 2025
 - 14.2. Robert Johnson, received October 8, 2025
 - 14.3. State of Washington Department of Fish and Wildlife (WDFW), received October 23, 2025
 - 14.4. Washington State Department of Ecology (Ecology), received October 31, 2025
15. Applicant Response to Public Comments
16. SEPA Checklist, dated September 17, 2025
17. SEPA Determination of Nonsignificance, issued by the City of Mercer Island on November 3, 2025

I. APPLICATION OVERVIEW

1. Overview: The City of Mercer Island Public Works Department requests a zoning reclassification of property for two City-owned properties. Parcel A, located at 9611 SE 36th St, is where City Hall is currently located and is zoned Commercial Office (C-O). Parcel B, located at 9601 SE 36th St, is where the Maintenance and Operations buildings are currently located. Parcel B is split-zoned Single-Family Residential (R-8.4) and Commercial Office (C-O). 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, Parcel B is deemed located in the R-8.4 zone. The proposed rezone would reclassify both properties to the Public Institution (PI) zoning designation.

2. Location: The subject properties are located at 9601 and 9611 SE 36th St, situated in the southeast quarter of Section 7, Township 25 north, and Range 5 west, in the City of Mercer Island, King County, WA 98040.
3. Access: Access to the subject properties is from SE 36th St off E Mercer Way.
4. Existing Conditions: Parcel A contains the City Hall building and a large parking lot with landscaped areas to the north and west sides of the existing building. This property contains seismic geologically hazardous areas and is encumbered by watercourse and wetland buffers from adjacent properties. Parcel B contains the Maintenance and Operations buildings and the Maintenance Shop Road forms a flagpole to SE 36th St, running to the west of Parcel A. This property also contains several critical areas, including seismic, potential slide, and erosion geologically hazardous areas, Type F and piped watercourses, and several Category IV wetlands in the vegetated area to the east of the existing buildings.

The 35,832 square foot City Hall building on Parcel A was constructed in 1957. The City Hall building has not been in use for several years. Parcel B contains two buildings, a 12,752 square foot office and garage service and repair building and a separate 2,480 square foot additional garage service and repair building. These buildings were constructed in 1981 and currently house 110 City employees.

5. Contact Information:

Project Contact:

Kellye Hilde, City of
Mercer Island Public
Works Deputy Director
9601 SE 36th St, Mercer
Island, WA 98040
(206) 275-7806

Applicant:

Same as project contact.

Engineer:

Civil: Justin Jones, JMJ
Engineering
905 Main St #200,
Sumner, WA 98390
(206) 596-2020

6. Terms Used:

Term:

Applicant

Proposed development
code amendment

Subject property, site

Refers to, unless otherwise specified:

Kellye Hilde, City of Mercer Island Public Works
Deputy Director

Reclassification of two City-owned properties from C-
O and R-8.4 to PI

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

II. PROCEDURE AND NOTICE REQUIREMENTS

7. Review Type: Applications for reclassifications of property (rezones) are required to be processed as quasi-judicial reviews pursuant to MICC 19.15.260 and Ch. 42.36 RCW. Following the completion of an open record public hearing, the Planning Commission shall consider the proposed amendment for conformance with the criteria listed in MICC 19.15.240. The Planning Commission shall make a written recommendation on the review to the City Council. The City Council shall consider the Planning Commission's recommendation at a public meeting where it may adopt or reject the Planning Commission's recommendation or remand the review back to the Planning Commission.
8. Application: The application for the proposed rezone was submitted on September 17, 2025. On September 19, 2025 the application was deemed complete for the purposes of review, pursuant to MICC 19.15.070 (**Exhibit 11**).
9. Notice of Application: The City issued a combined notice of application and public hearing for the rezone and associated SEPA Review applications on September 29, 2025, consistent with the provisions of MICC 19.15.260, which include the following methods: a mailing sent to neighboring property owners within 300 feet of the subject properties; a notice sign posted on the subject property; publication in the City's weekly permit bulletin; and made available to the general public upon request (**Exhibit 12**). The notice of application and public hearing was also published in the Mercer Island Reporter on October 1, 2025, as required by MICC 19.15.260 (**Exhibit 13**). The notice of application began the 30-day public comment period, which took place on September 29, 2025 through October 31, 2025. However, pursuant to MICC 19.15.260(A)(3), the city shall accept public comments at any time prior to the closing of the record of an open record public hearing.
10. Opportunities for Public Comment: Four public comments were received during the public comment period (**Exhibit 14**).
11. Response to Public Comment: While the City accepts public comments at any time prior to the closing of the open record pre-decision hearing, common practice is to request that the applicant provides responses only to those public comments received within 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 contained in **Exhibit 15**.
12. State Environmental Policy Act (SEPA) Review: A SEPA Determination of Non-

Significance (DNS) was issued on November 3, 2025. The appeal period closes on November 17, 2025 at 5:00PM.

13. Public Hearing: Pursuant to MICC 19.15.260, a public hearing is required for the proposed reclassification of property. A combined notice of application and notice of public hearing was provided to the public as described in MICC 19.15.260 (**Exhibits 12 and 13**).

III. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS

14. Site Zoning and Land Use: Parcel 2655500075 (Parcel A) is currently zoned Commercial Office (C-O). Parcel 2655500185 (Parcel B) is currently split-zoned Commercial Office (C-O) and Single-Family Residential (R-8.4) (**Exhibit 8**). 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, Parcel B is deemed located in the R-8.4 zone. Both properties are designated Public Facility within the Mercer Island 2024 Comprehensive Plan.
15. Comprehensive Plan Policies: The Public Facility land use designation represents land within the City that is intended for public uses, including but not limited to schools, community centers, City Hall, and municipal services.
16. Adjacent Zoning and Comprehensive Plan Designations:

Adjacent Zone	Parcel A	Parcel B
To the North	PI	PI
To the South	R-8.4 (Parcel B)	R-8.4
To the East	C-O (Parcel B)	C-O & R-8.4 (MF-2 beyond)
To the West	C-O	C-O & R-8.4

IV. CONSISTENCY WITH REVIEW CRITERIA FOR RECLASSIFICATION OF PROPERTY (REZONES)

17. MICC 19.15.240 contains the criteria for which the Planning Commission will review the rezone application for compliance with and make a written recommendation to the City Council.
- A. *Purpose*. The purpose of this section is to establish the process and criteria for a rezone of property from one zoning designation to another.
- B. *Process*. A rezone shall be considered as provided in MICC 19.15.260 and according to the Appearance of Fairness doctrine statutory requirements.
- 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;

Staff Finding: Both parcels are designated as Public Facility in the Future Land Use Map of the 2024 Mercer Island Comprehensive Plan, which was adopted on November 19, 2024 by Ordinance No. 24C-16. The Comprehensive Plan states that “[t]he public facility land use designation represents land within the City that is intended for public uses, including but not limited to schools, community centers, City Hall, and municipal services”. Reclassifying these properties to the Public Institution (PI) zoning designation would directly align with the Public Facility Comprehensive Plan designation and would reflect both the current and planned public use of the properties.

The reclassification to the PI zone would support the development of a new Public Safety and Maintenance (PSM) Facility, which would replace the aging City Hall and Public Works buildings with a modern complex housing the City’s Police Department, Emergency Department, Public Works Maintenance Operations, GIS, IT, and Customer Service staff. The City proposes to consolidate these services in a purpose-built facility to ensure efficient land use and reliable delivery of essential public functions.

The proposal is consistent with the following Comprehensive Plan goals and policies:

Capital Facilities Element, Goal 1 – Ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of service. This goal calls for supporting essential public facilities that maintain community safety, health, and livability, directly aligning with the siting of the new PSM Facility.

Capital Facilities Element, Goal 2 – Plan for and replace aging and obsolete public buildings to ensure reliable and efficient delivery of essential services. The proposed replacement of City Hall and the Public Works buildings with the PSM Facility fulfills this goal by addressing outdated infrastructure and providing resilient, long-term civic facilities.

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

Staff Finding: The purpose of the Mercer Island development code as set forth in MICC 19.01.010 is as follows:

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 proposed reclassification achieves these purposes by implementing the Comprehensive Plan, which designates the subject properties as Public Facility intended for civic and institutional uses. The reclassification would promote health, safety, and welfare by enabling the construction of the Public Safety and Maintenance (PSM) Facility, which directly supports public health and safety through daily operations in Police, Emergency Management, GIS, IT, and Public Works and Maintenance Operations.

Additionally, the proposed reclassification would apply a single zoning designation to both parcels, one of which is currently split-zoned. The reclassification would allow the all City-owned facilities on these parcels to be reviewed under clear, consistent, and well-established standards and reflect the expectations for civic development.

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

Staff Finding: The proposed reclassification would be an extension of the existing Public Institution zoning designation, which covers the area between the north property lines of the subject parcels and the north

side of I-90 (**Exhibit 8**). The reclassification would also provide a logical transition between zones:

Adjacent Zone	Parcel A	Parcel B
To the North	PI	PI
To the South	R-8.4 (Parcel B)	R-8.4
To the East	C-O (Parcel B)	C-O & R-8.4 (MF-2 beyond)
To the West	C-O	C-O & R-8.4

The applicant asserts that Parcel A fronts SE 36th St (zoned PI) to the north and is adjacent to C-O zoning, which is compatible with the PI zone given the shared emphasis on employment, service delivery, and larger building forms. Parcel B abuts SE 40th St to the south and is adjacent to R-8.4 zoning. The PI designation would provide a civic buffer between higher-intensity municipal uses and the surrounding low-density residential neighborhood. Both parcels are bounded by C-O and R-8.4 zones to the east and west, further reinforcing the appropriateness of the PI zone as a unifying classification that bridges residential and commercial contexts. Rezoning the properties to PI would create a clear, predictable, and context-sensitive transition between commercial and residential areas while formalizing the long-established role of this site as Mercer Island's civic and operational hub.

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

Staff Finding: The proposed rezone does not constitute an illegal site-specific rezone (spot zone) as the action is not an illegal spot zone. The subject properties are adjacent to SE 36th St, which is zoned PI. 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. Decision makers 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 parcels are adjacent to SE 36th St to the north, which is zoned PI. The proposed rezone would expand the existing PI zone to the south, and create two C-O zones to the east of west of the subject

properties. The R-8.4 zones to the east, west, and south of Parcel B would be maintained. The proposed rezone would not isolate a small property within a larger zoning district or create an island of inconsistent zoning. Instead, rezone involves two contiguous, City-owned parcels that are adjacent to existing PI zoned property.

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

The types of uses allowed in the PI and C-O zones are similar and both include government services and public and private schools. Public and private schools are also allowed in the single-family residential zones, and government services are allowed as a conditional use. The uses allowed in the PI zone are not inconsistent with the uses allowed in the remaining C-O and R-8.4 zoning districts.

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

The subject properties are designated Public Facility in the Comprehensive Plan. The uses allowed in the PI zone are in accord with the Public Facility Comprehensive Plan designation and are not inconsistent with the uses in the surrounding zoning districts.

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 asserts that the proposed rezone would confer no private gain and exists solely to support essential government operations. The proposed rezone would benefit the public by enabling the replacement of outdated municipal facilities. The rezone would not be detrimental to the neighborhood, as the properties have been consistently used as municipal services for decades. The proposed rezone would allow the properties to be developed in a manner that provides essential government services with greater coordination and efficiency between departments and, therefore, provides a greater benefit City wide.

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

The proposed rezone would directly support public health, safety and welfare by enabling the replacement of outdated municipal facilities with a modern Public Safety and Maintenance (PSM)

Facility design to enhance the City's ability to deliver essential services. As discussed further below in Section 6, current municipal services are provided out of temporary facilities, which largely include remote offices, combining workspaces in existing buildings, and portable buildings. These facilities are inadequate and hinder the City's ability to provide essential services in an efficient manner. By enabling the City to construct a single, purpose-built facility to improve efficiency, strengthen emergency response, and ensure reliable delivery of essential public services, the rezone would provide a benefit to the public health, safety, and general welfare of the City.

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

Staff Finding: The subject properties currently contain City Hall and the Public Works Maintenance and Operations facilities, both of which are long-standing civic uses that have coexisted compatibly with the adjacent residential and commercial areas for decades. The reclassification would formalize this civic use and align with the Mercer Island 2024 Comprehensive Plan Public Facility designation.

The applicant asserts that the proposed PI zone would be compatible with the C-O zone as both accommodate larger building forms, structured parking, and employment or service-related uses. Staff agree with this assertion. Both the C-O and PI zones allow similar uses at a similar scale. The adjacent R-8.4 zone is a low-density, single-family zone. The proposed PI zone would provide an appropriate civic transition between municipal functions and residential neighborhoods. Compatibility would be reinforced through site design standards.

The PI zone is intended to accommodate government and institutional uses and is applied in multiple locations across Mercer Island where public facilities are located adjacent to residential and commercial districts. The proposed zone reflects the existing civic land use pattern and ensures long-term compatibility with surrounding zones and land uses.

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

Staff Finding: The proposed rezone would directly support public health, safety and welfare by enabling the replacement of outdated municipal facilities with a modern Public Safety and Maintenance (PSM) Facility designed to enhance the City's ability to deliver essential services. The proposed rezone is consistent with the Public Facility designation in the Mercer Island 2024 Comprehensive Plan and would

allow the City to consolidate Police, Emergency Management, GIS, IT, and Public Works Maintenance and Operations in a single, purpose-built facility which would improve service coordination, emergency response times, and overall operational efficiency and advance public safety and welfare. These services are currently provided out of temporary facilities, which largely include remote offices, combining workspaces in existing buildings, and portable buildings where the Police operate from the parking lot of City Hall. These facilities are inadequate and hinder the City's ability to provide essential public services in an efficient manner.

Additionally, the Comprehensive Plan Capital Facilities Element, Goal 1 is to ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of services. Providing essential public facilities that maintain community safety, health, and livability would implement this policy directive.

- 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.

Staff Finding: The proposed rezone does not require a comprehensive plan amendment.

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.

VI. RECOMMENDATION

Staff reviewed the proposed application in accordance with the criteria for reclassifications of property (rezones). The staff report and findings are based on the application and all supplemental information. The Planning Commission shall consider the proposed amendment for conformance with the criteria listed in the applicable section, the comprehensive plan, and other applicable development standards. Staff recommend that the Planning Commission move to recommend approval of the proposed reclassification of property (rezone), City File Number RZN25-001.

Molly McGuire

Molly McGuire, Senior Planner
City of Mercer Island Community Planning and Development

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov

CITY USE ONLY

PROJECT NO.

RECEIPT NO.

FEE

Date Received:

Received By:

DEVELOPMENT APPLICATION

A Development Application form is required to be completed for any land use project within the City of Mercer Island. Additional supplemental information for each specific land use permit requested is required. See below for land use permits and associated permit forms.

PROPERTY INFORMATION

Property Address:	9601 and 9611 SE 36th Street 98040
Parcel Number(s):	9655500185 and 2655500075
Gross Lot Area(s):	593,262 SF / 13.62 AC
Net Lot Area(s):	593,262 SF / 13.62 AC
Zone:	R-8.4 and CO
Shoreline Environment Designation: (if located within 200 feet of Lake Washington)	☐ Urban Residential ☐ Urban Park

CRITICAL AREAS ON PROPERTY

GEOLOGICALLY HAZARDOUS AREAS

- ☒ Potential Landslide Hazard
☒ Erosion Hazard
☐ Seismic Hazard
☒ Steep Slope

WATERCOURSES

- ☒ Type F
☐ Type Np
☐ Type Ns
☒ Piped
☐ Unknown

WETLANDS

- ☐ Category I
☐ Category II
☐ Category III
☒ Category IV
☐ Unknown

PROPERTY OWNER INFORMATION

Name:	Company (if applicable):
City of Mercer Island	
Address:	E-Mail:
9601 SE 36th Street	Kellye Hilde, Public Works Deputy Director
Phone:	
206-275-7806	

APPLICANT/REPRESENTATIVE INFORMATION

Same as property owner

☐

Name:	Company (if applicable):
Address:	E-Mail:
Phone:	

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature Kellye Hilde

Date 9/17/25

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (please use additional paper if needed):

The City of Mercer Island is proposing to rezone Parcels 2655500075 and 2655500185, which are the site of City Hall and the Public Works Maintenance and Operations facilities. Parcel A (2655500075), the City Hall site, is currently zoned Commercial Office (CO). Parcel B (2655500185), the Maintenance and Operations site, is zoned Residential (R-8.4) and Commercial Office (CO).

INDICATE REQUESTED LAND USE APPROVALS

CRITICAL AREAS		ENVIRONMENTAL REVIEW (SEPA)		SUBDIVISION
	Critical Area Review 1		Environmental Impact Statement	Short Plat- Preliminary
	Critical Area Review 2	X	SEPA Review	Short Plat- Alteration
DESIGN REVIEW		LEGISLATIVE		Short Plat- Final Plat
	Design Review – Signs		Code Amendment	Long Plat- Preliminary
	Design Review – Code Official		Comprehensive Plan Docket Application	Long Plat- Alteration
	Design Commission Study Session		Comprehensive Plan Application (If Docketed)	Long Plat- Final Plat
	Design Commission Review – Exterior Alteration	X	Rezone	Lot Line Revision
	Design Commission Review – Major New Construction	OTHER LAND USE		WIRELESS COMMUNICATION FACILITIES
			Accessory Dwelling Unit	New Wireless Communication Facility
DEVIATIONS			Code Interpretation Request	Wireless Communications Facilities- 6409 Exemption
	Deviations to Antenna Standards – Code Official		Conditional Use (CUP)	Small Cell Deployment
	Deviations to Antenna Standards – Design Commission		Noise Exception Type I - IV	Height Variance
	Public Agency Exception		Other Permit/Services Not Listed	
	Reasonable Use Exception	SHORELINE MANAGEMENT		
	Variance		Shoreline Exemption	
	Seasonal Development Limitation Waiver – Wet Season Construction Approval		Shoreline Substantial Development Permit	
			Shoreline Variance	
			Shoreline Conditional Use Permit	
			Shoreline Permit Revision	

LAND USE APPLICATION SUBMITTAL REQUIREMENTS

Each Land Use Application requested above must be accompanied by the appropriate land use application form and required materials. Refer to the [City of Mercer Island Permit Forms](#) webpage for a complete list of all land use application forms and submittal requirements.

CITY OF MERCER ISLAND
COMMUNITY PLANNING & DEVELOPMENT
 9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: (206) 275-7605 | www.mercerisland.gov



CITY USE ONLY		
PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

RECLASSIFICATION OF PROPERTY (REZONE)

A Reclassification of Property, or Rezone, is how property owners may change the zoning of property to allow a new or different land use which conforms with the Mercer Island Comprehensive Plan. A rezone is a legislative action, only taken after an open record public hearing requiring review by the Planning Commission and the City Council.

REVIEW PROCESS

Rezones are subject to the review procedures in [MICC 19.15.260](#), which include a notice in the weekly CPD permit bulletin, a notice in a newspaper of general circulation, and, if the proposed amendment will affect a specific property or defined area in the city, mailed to all property owners within 300 feet of the affected property or defined area, and posted on the site in a location that is visible to the public right-of-way.

The Planning Commission holds a public meeting and makes a recommendation on the application to the City Council. The Council holds a public hearing and makes the final decision on a rezone.

PRE-APPLICATION MEETING – Recommended, but not required.

A Pre-Application Meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application meeting – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

For more information on the Pre-Application Meeting process, please refer to the [Pre-Application Meeting Request Form](#).

FEES

Fees applicable to this project:

Rezone

Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

PROPERTY INFORMATION

Property Address:	9601 and 9611 SE 36th Street 98040
Parcel Number(s):	9655500185 and 2655500075
Zone:	R-8.4 and CO
Shoreline Environment Designation (if located within 200 feet of Lake Washington):	☐ Urban Residential ☐ Urban Park

SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- ☒ **1. Development Application Form.** Provide a completed and signed [Development Application Form](#).
- ☐ **2. Pre-Application Meeting.** [Pre-Application Meetings](#) are recommended, but not required, for Code Amendment applications.
- ☒ **3. Project Narrative.** The project narrative should describe in detail the proposed amendment in nontechnical terms.
- ☒ **4. Criteria Compliance Narrative.** Detail how the application meets the review criteria for Rezones in [MICC 19.15.240](#) and [MICC 19.15.260](#). Refer to the [Code Compliance Matrix](#) Tip Sheet for preparing the narrative.
The Criteria Compliance Narrative should also describe how:
 - The proposed reclassification is consistent with the policies and provisions of the Mercer Island comprehensive plan;
 - The proposed reclassification is consistent with the purpose of the Mercer Island development code set forth in [MICC 19.01.010](#);
 - The proposed reclassification is an extension of an existing zone, or a logical transition between zones;
 - The proposed reclassification does not constitute an illegal site-specific rezone;
 - The proposed reclassification is compatible with surrounding zones and land uses; and
 - The proposed reclassification does not adversely affect public health, safety, and welfare.
- ☐ **5. Comprehensive Plan Amendment Approval or Completed Application.** If a comprehensive plan amendment is required in order to satisfy [MICC 19.15.240\(C\)\(1\)](#), approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone. Refer to the [Comprehensive Plan Amendment Application](#) for submittal requirements.
- ☒ **6. Title Report.** Less than 30 days old, unless waived by the code official.
- ☐ **7. Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary.
- ☐ **8. Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary, if applicable.
- ☒ **9. SEPA Checklist.** A SEPA Checklist and separate SEPA Review application is required. City staff will review the checklist and the proposal's likely environmental impacts and issue a threshold determination.
- ☒ **10. Vicinity Map.** A Vicinity Map of the subject property or defined area is required, unless the proposal is for a city-wide amendment.
- ☒ **11. Fees.** Payment of required fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

Signature **Kellye Hilde** Digitally signed by Kellye Hilde
Date: 2025.09.17 11:51:28 -07'00' Date **9/17/2025**

9601 and 9611 SE 36th Street Reclassification (Rezone) of Property

Project Narrative

The City of Mercer Island is proposing to update the zoning of two parcels located at 9601 and 9611 SE 36th Street. These parcels are the long-standing home of City Hall and the Public Works Maintenance and Operations facilities.

- **Parcel A (9611 SE 36th Street)** is where City Hall is located. It is currently zoned Commercial Office (CO).
- **Parcel B (9601 SE 36th Street)** is where the Maintenance and Operations buildings are located. This parcel currently has a mix of Residential (R-8.4) and Commercial Office (CO) zoning.

The City is proposing to rezone both parcels to Public Institution (PI).

The current zoning (CO and R-8.4) does not fully reflect how the property is being used today or how it is planned to be used in the future. Both sites are already used for important public services and have been designated as Public Facility in the City's Comprehensive Plan. Changing the zoning to PI will bring the zoning map into alignment with this designation and more accurately reflect the public role of the property.

The rezoning also supports the City's plan to construct a new Public Safety and Maintenance (PSM) Facility on the site. This facility will replace aging buildings and bring together several City services, including:

- Police Department and Emergency Management,
- Public Works Maintenance and Operations,
- Information Technology and Geographic Information Systems, and
- Customer service functions.

By consolidating these services in a single purpose-built facility, the City can improve efficiency, strengthen emergency response, and ensure reliable delivery of essential public services. The benefits of the proposed zoning change include;

- **Consistency with long-term planning:** The Comprehensive Plan already identifies these parcels as Public Facility, making PI the most appropriate zoning designation.
- **Support for public health and safety:** A modern facility will enhance the City's ability to serve the community, especially during emergencies.
- **Clear and predictable standards:** Applying a single zoning classification avoids conflicts between residential and commercial rules, creating a straightforward regulatory framework for design and permitting.
- **Compatibility with neighbors:** The PI zone provides a transition between surrounding residential and commercial areas. Landscaping, setbacks, and design standards will ensure the facility fits sensitively into its surroundings.

Rezoning the City Hall and Public Works parcels from CO and R-8.4 to PI is a logical and necessary step to support Mercer Island's future. It reflects the long-standing civic role of the site, allows for

the development of a Public Safety and Maintenance Facility, and ensures that the property will continue to serve the community's health, safety, and operational needs well into the future.

9601 and 9611 SE 36th Street Reclassification (Rezone) of Property

Criteria Compliance Narrative

The City of Mercer Island is proposing to rezone Parcels 2655500075 and 2655500185, which are the site of City Hall and the Public Works Maintenance and Operations facilities. Parcel A (2655500075), the City Hall site, is currently zoned Commercial Office (CO). Parcel B (2655500185), the Maintenance and Operations site, is zoned Residential (R-8.4) and Commercial Office (CO).

The following Criteria Compliance Narrative demonstrates how the proposed rezone complies with the approval criteria set forth in [MICC 19.15.240.C.1-6](#).

1. MICC 19.15.240.C.1

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

Response:

The proposed rezone is consistent with the Mercer Island Comprehensive Plan. The Future Land Use Map designates both parcels (2655500075 and 2655500185) as Public Facility, which represents land intended for civic and institutional uses, including City Hall, public safety facilities, and municipal services ([Ordinance 24C-16](#), Land Use Element, p. 102). Rezoning the properties from CO and R-8.4 to PI brings the zoning into direct alignment with this designation and reflects both the current and planned public use of the property.

The rezone is necessary to support development of a new Public Safety and Maintenance (PSM) Facility, which will replace the aging City Hall and Public Works buildings with a modern complex housing the City's Police Department, Emergency Management, Public Works Maintenance and Operations, GIS, IT, and Customer Service staff. Consolidating these services in a purpose-built facility ensures efficient land use and reliable delivery of essential public functions.

The Comprehensive Plan provides clear policy direction for this outcome:

- Capital Facilities Element, Goal 1 (p. 183): Ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of service. This goal calls for supporting essential public facilities that maintain community safety, health, and livability, directly aligning with the siting of the new PSM Facility.
- Capital Facilities Element, Goal 2 (p. 185): Plan for and replace aging and obsolete public buildings to ensure reliable and efficient delivery of essential services. The proposed replacement of City Hall and the Public Works buildings with the PSM Facility fulfills this goal by addressing outdated infrastructure and providing resilient, long-term civic facilities.

Together, the Public Facility land use designation and the Capital Facilities goals demonstrate that the proposed rezone is fully consistent with the policies and provisions of the Comprehensive Plan.

2. [MICC 19.15.240.C.2](#)

The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in [MICC 19.01.010](#).

Response:

The proposed rezone is consistent with the purpose of the Mercer Island Development Code as set forth in [MICC 19.01.010](#), which establishes the framework for protecting and promoting the public health, safety, and general welfare; implementing the Mercer Island Comprehensive Plan; and ensuring that land use regulations guide development in a manner consistent with the Growth Management Act.

Rezoning Parcels 2655500075 and 2655500185 to PI achieves these purposes by:

- **Implementing the Comprehensive Plan:** The Comprehensive Plan designates the subject properties as Public Facility, intended for civic and institutional uses such as City Hall, public safety facilities, and municipal services. Rezoning to PI aligns the zoning with this designation.
- **Promoting health, safety, and welfare:** The rezone enables construction of a new PSM Facility, which will consolidate Police, Emergency Management, GIS, IT, and Public Works Maintenance and Operations into a modern, resilient facility that directly supports public health and safety.
- **Providing predictable and efficient regulation:** Applying a single zoning classification (PI) to both parcels ensures consistent development standards and avoids conflicts between multiple zoning designations. The PI development standards in [MICC 19.05.010](#) apply uniformly, and [MICC 19.05.010\(C\)](#) requires compliance with applicable sections of [Chapter 19.11 MICC](#), Town Center Development and Design Standards, which provide context-based design guidance. This ensures that the facility will be reviewed under clear, consistent, and well-established standards that reflect the City's expectations for civic development.

Accordingly, the rezone supports the overarching purpose of the Mercer Island Development Code by aligning land use regulation with adopted plans, protecting community welfare, and facilitating efficient public service delivery.

3. [MICC 19.15.240.C.3](#)

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

Response:

The proposed rezone represents a logical transition between zoning districts and provides consistency for the City's primary civic campus. The subject parcels currently contain City Hall and the Public Works Maintenance and Operations facilities—longstanding municipal uses designated as Public Facility in the Comprehensive Plan Future Land Use Map. Rezoning these parcels to PI aligns the zoning with both the adopted land use designation and the established civic function of the site.

The rezone also eliminates the existing split-zoning condition (CO and R-8.4) on Parcel B, which does not reflect the actual or intended public facility use of the property (Figure 1). Applying a uniform PI zoning classification to both parcels creates a cohesive zoning

framework that avoids regulatory conflicts and provides consistent development standards for the design and permitting of the new PSM Facility.

From a land use pattern perspective, the PI zone serves as an appropriate transition between zoning districts:

- To the north, Parcel A fronts SE 36th Street and is adjacent to CO zoning, which is compatible with the PI zone given the shared emphasis on employment, service delivery, and larger building forms.
- To the south, Parcel B abuts SE 40th Street and is adjacent to R-8.4 zoning. The PI designation provides a civic buffer between higher-intensity municipal uses and the surrounding low-density residential neighborhood.
- To the east and west, the parcels are also bounded by CO and R-8.4, further reinforcing the appropriateness of the PI zone as a unifying classification that bridges residential and commercial contexts.

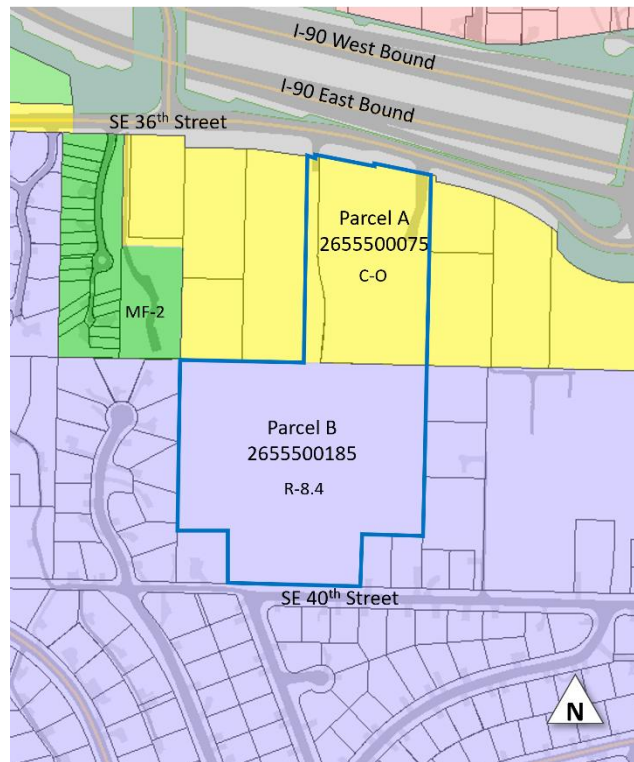


Figure 1 Zoning Map

The PI zone includes development and design standards in [MICC 19.05.010](#) and [Chapter 19.11 MICC](#), which ensure compatibility of scale, setbacks, landscaping, and design treatment where public facilities interface with residential uses.

By rezoning both parcels to PI, the City creates a clear, predictable, and context-sensitive transition between commercial and residential areas while formalizing the long-established role of this site as Mercer Island’s civic and operational hub.

4. [MICC 19.15.240.C.4](#)

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

Response:

The proposed rezone to Public Institution (PI) does not meet any of the legal characteristics of an illegal site-specific or “spot” rezone under Washington case law. The fact that a rezone application will only apply to one or two lots does not make it a per se illegal spot zone. *Save Our Rural Env’t v. Snohomish Cnty*, 99 Wn. 2d 363, 368, 662 P.2d 816, 818–19 (1983). An illegal spot zone is a quasi-judicial decision that singles out a small area from a larger district and specifically zones it for a use classification completely different and not in accord with the comprehensive plan – the reclassification is not related to the general plan for the community as a whole. *Anderson v. City of Seattle*, 64 Wn. 2d 198, 199–200, 390 P.2d 994, 995 (1964). The main inquiry for decision makers is “whether the zoning action bears a substantial relationship to the general welfare of the affected community.” *Save Our Rural Env’t*, 99 Wn. 2d at 368.

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

- carves a small area out of larger zoning district;
- allows uses of the smaller area that are inconsistent with uses allowed in the remaining larger zoning district;
- allows a use of the smaller area that is not in accord with Comprehensive Plan;
- 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
- has no substantial relationship to the public health, safety, and general welfare.

Anderson v. City of Seattle, 64 Wn. 2d 198, 390 P.2d 994 (1964); *Willapa Grays Harbor Oyster Growers Ass'n v. Moby Dick Corp.*, 115 Wn. App. 417, 62 P.3d 912 (2003).

None of these conditions apply here.

The rezone involves two contiguous, City-owned parcels that already function as a unified civic campus. The action does not isolate a small property within a larger zoning district or create an island of inconsistent zoning. The proposed PI zoning is compatible with the surrounding CO zoning, which permits government services outright under [MICC 19.04.020\(A\)\(1\)](#). Government services are also allowed in the R-8.4 zone through a conditional use permit ([MICC 19.02.010\(C\)\(1\)\(a-c\)](#)) demonstrating that such uses are not foreign or incompatible within the broader zoning framework.

The rezone is fully consistent with the Comprehensive Plan. Both parcels carry the Public Facility designation on the Future Land Use Map ([Ordinance 24C-16](#)). The PI zone directly implements this designation by aligning zoning with longstanding and future public uses, including City Hall, Public Works Maintenance and Operations, and the planned PSM Facility.

The rezone confers no private gain; it exists solely to support essential government operations. The action facilitates a consolidated public facility that improves emergency response, operational efficiency, infrastructure resilience, and continuity of government services. These are clear and substantial public health, safety, and welfare objectives and reflect the core rationale for the rezoning.

In summary, the proposed reclassification is a lawful, plan-consistent, publicly beneficial zoning action that exhibits none of the characteristics of an illegal site-specific or spot rezone. It advances the Comprehensive Plan, aligns zoning with long-standing civic uses, and serves the broader public interest.

5. [MICC 19.15.240.C.5](#)

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

Response:

The proposed rezone is compatible with surrounding zones and land uses. The subject parcels currently house City Hall and the Public Works Maintenance and Operations facilities, both of which are long-standing civic uses that have coexisted compatibly with adjacent residential and commercial areas for decades. Rezoning to PI formalizes this civic use and ensures continued compatibility with surrounding zoning districts through the application of consistent development standards.

Based on the Zoning Map (Figure 1):

- To the north, the site abuts CO zoning across SE 36th Street. The PI zone is compatible with CO, as both accommodate larger building forms, structured parking, and employment or service-related uses.
- To the south, Parcel B abuts R-8.4, a low-density single-family zone. The PI zone provides an appropriate civic transition between municipal functions and residential neighborhoods. Compatibility will be reinforced through site design standards, landscaping, and buffering as required by [MICC 19.05.010](#) and [Chapter 19.11 MICC](#).
- To the east and west, the parcels are bordered by a mix of R-8.4 and CO zones, demonstrating the site's role as a transitional location between commercial corridors and residential neighborhoods.

The PI zone is specifically intended to accommodate government and institutional uses that serve the community and is applied in multiple locations across Mercer Island where public facilities are located adjacent to residential and commercial districts. For this reason, the proposed rezone both reflects the existing civic land use pattern and ensures long-term compatibility with surrounding zones and land uses.

6. [MICC 19.15.240.C.6](#)

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

Response:

The proposed rezone does not adversely affect public health, safety, or welfare. In fact, it directly supports these objectives by enabling the replacement of outdated municipal facilities with a modern PSM Facility designed to enhance the City's ability to deliver essential services.

The rezone from CO and R-8.4 to PI is consistent with the Public Facility designation in the Comprehensive Plan and allows the City to consolidate Police, Emergency Management, GIS, IT, and Public Works Maintenance and Operations in a single, purpose-built facility. This consolidation will improve service coordination, emergency response times, and overall operational efficiency, thereby advancing public safety and welfare.

This outcome is directly supported by the Comprehensive Plan's Capital Facilities Element, Goal 1 ([Ordinance 24C-16](#), p. 183): "Ensure that capital facilities and public services necessary to support existing and new development are available at locally adopted levels of service." By providing essential public facilities that maintain community safety, health, and livability, the proposed rezone implements this core policy directive.

Additionally, the PI zone requires compliance with [MICC 19.05.010](#) development standards and applicable sections of [Chapter 19.11 MICC](#), which ensure compatibility with surrounding land uses through site design, landscaping, and buffering. These standards further protect community health, safety, and welfare by requiring context-sensitive design.

By aligning zoning with the Comprehensive Plan, facilitating construction of resilient public facilities, and ensuring adherence to adopted development standards, the proposed rezone will have a positive, rather than adverse, effect on public health, safety, and welfare.


First American

Item 2.

**Commitment for Title Insurance
Washington - 2021 v. 01.00 (07-01-2021)**
**Transaction Identification Data, for which the Company assumes no liability as set forth in
Commitment Condition 5.e.:**

Issuing Agent: First American Title Insurance Company National Commercial Services
 Issuing Office: 920 Fifth Avenue, Suite 1200, Seattle, WA 98104
 Issuing Office's ALTA® Registry ID: _____
 Commitment Number: NCS-1276419-WA1
 Issuing Office File Number: NCS-1276419-WA1
 Property Address: 9601 Southeast 36th Street, Mercer Island, WA 98040
 Revision Number: _____

Reference No.: APN 2655500185
 Escrow Officer Name: _____
 Escrow Officer Number: _____
 Escrow Officer Email: _____
 Escrow Assistant Name: _____
 Escrow Assistant Number: _____
 Escrow Assistant Email: _____
 Title Officer Name: Terri Nugent
 Title Officer Number: (206)615-3041
 Title Officer Email: tnugent@firstam.com

SCHEDULE A

1. Commitment Date: August 25, 2025 at 7:30 AM

2. Policy to be Issued:

	Amount	Premium	Tax
a. ALTA® Standard Owner's Policy	\$To follow	\$	\$
Proposed Insured: To follow			
The estate or interest to be insured: See Item 3 below			
b. ALTA® Policy	\$	\$	\$
Proposed Insured:			
The estate or interest to be insured:			
c. ALTA® Policy	\$		
Proposed Insured:			
The estate or interest to be insured:			

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Form 50170653 (8-29-22)

Page 1 of 14



4. The Title is, [at the Commitment Date, vested in:](#)

The City of Mercer Island, a municipal corporation of the State of Washington

5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Form 50170653 (8-29-22)

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Commitment No. NCS-1276419-WA1

SCHEDULE B, PART I—Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. If a proposed mortgage or deed of trust will secure, in whole or in part, construction advances, in order to consider providing coverage against statutory liens for services, labor, or materials arising from construction of improvements or work related to the Land, the Company will require:
For all construction projects, copies of the following:
 1. Project budget, including hard costs, soft costs, equity contributions, and sources and uses.
 2. An indemnity agreement on a form to be provided, and executed by indemnitor(s) approved, by the Company.
 3. Direct contract(s) with any general contractor(s), including projected schedule for completion of construction.
 4. Draft loan agreement detailing construction advance disbursement controls (or separate disbursement agreement, if applicable) and guaranty/ees.
 5. An appraisal if lender has required one.

If work or delivery of materials has commenced or will commence prior to closing, the Company will also require the following:

1. A list of all contractors and subcontractors who have commenced or will commence work or delivery of materials, including, for each, the total contract amount and any amounts paid to date.
2. Pay applications for the latest three (3) months, including invoices and conditional and unconditional lien waivers, from all contractors and subcontractors who have commenced work or delivery of materials.
3. Priority Agreement, on a form to be provided by the Company, signed by the general contractor(s) and all subcontractor(s) who have commenced or will commence work or delivery of materials prior to closing.

Upon receipt and review of the foregoing, the Company reserves the right to require additional documentation.

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Commitment No. NCS-1276419-WA1

SCHEDULE B, PART II—Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
3. Any facts, rights, interest, or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
4. Easements, claims of easement or encumbrances which are not shown by the Public Records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.
6. (a) Unpatented mining claims; (b) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Water rights, claims or title to water, ditch or ditch right, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records; (d) Indian Tribal Codes or Regulations, Indian Treaty or Aboriginal Rights, including easements or equitable servitudes.
7. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
8. Any service, installation, connection, maintenance, construction, tap or reimbursement charges/costs for sewer, water, garbage or electricity.

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**SCHEDULE B - PART II
(continued)
SPECIAL EXCEPTIONS**

9. Lien of Real Estate Excise Tax upon sale of said premises, or transfer of a controlling interest, if unpaid. As of the date herein, the excise tax rates are as follows:
Levy/Area Code:1031

State Excise Tax for real property classified as Timberland (RCW 84.34 or RCW 84.33) or Agricultural land (RCW 84.34.020):

1.28% of the selling price

All other State Excise Tax:

1.10% of the selling price less than or equal to \$525,000.00

1.28% of the selling price from \$525,000.01 to \$1,525,000.00

2.75% of the selling price from \$1,525,000.01 to \$ 3,025,000.00

3.00% of the selling price over \$3,025,000.00

Local Excise Tax for the City of Mercer Island

.50% of the selling price

In additional to Excise Tax due, a fee of \$5.00 will be charged on all taxable transactions (\$10.00 on all exempt transactions)

10. Liability, if any, for pro-rata portion of **Real Property** taxes which are carried on the King County Tax Rolls, as tax account no. 265550-0185-00, are exempt.

We note Special Charges for the year 2025 in the amount of \$23.45, of which \$23.45 has been paid.
Balance due: \$0.00.

11. Potential charges, for the King County Sewage Treatment Capacity Charge, as authorized under RCW 35.58 and King County Code 28.84.050. Said charges could apply for any property that connected to the King County Sewer Service area on or after February 1, 1990.

Note: Properties located in Snohomish County and Pierce County may be subject to the King County Sewage Treatment Capacity Charges. To verify charges contact: (206) 296-1450 or CapChargeEscrow@kingcounty.gov.

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12. Easement, including terms and provisions contained therein:
Recording Information: August 4, 1959 as [5064102](#)
In Favor of: Sewer line
For: Mercer Island Sewer District
13. Easement, including terms and provisions contained therein:
Recording Information: October 27, 1959 as [5096006](#)
In Favor of: Sewer line
For: Mercer Island Sewer District
14. Easement, including terms and provisions contained therein:
Recording Information: December 8, 1959 as [5110650](#)
In Favor of: Sewer line
For: Mercer Island Sewer District
15. Easement, including terms and provisions contained therein:
Recording Information: December 8, 1959 as [5110652](#)
In Favor of: Sewer line
For: Mercer Island Sewer District
16. Easement, including terms and provisions contained therein:
Recording Information: [8010160472](#)
In Favor of: Puget Sound Power & Light Company
For: Electric transmission and/or distribution system
17. Terms, covenants, conditions, restrictions and easements as contained in recorded Lot Line Adjustment (Boundary Line Revision) MI-84-09-10 :
Recorded: March 15, 1984
Recording Information: [8403159004](#)
18. Easement, including terms and provisions contained therein:
Recording Information: [8403190754](#)
For: Strike gate
Affects: As described therein
19. Easement, including terms and provisions contained therein:
Recording Information: [8403190755](#)
For: Ingress and egress
Affects: As described therein

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20. Matters of extended owner/purchaser coverage which are dependent upon an inspection and an ALTA survey of the property for determination of insurability.

Please submit a copy of the ALTA Survey at your earliest convenience for review. Our inspection will be held pending our review of the ALTA Survey and the result of said inspection will be furnished by supplemental report.

21. Title to vest in an incoming owner whose name is not disclosed. Such name must be furnished to us so that a name search may be made.
22. Unrecorded leaseholds, if any, rights of vendors and security agreement on personal property and rights of tenants, and secured parties to remove trade fixtures at the expiration of the term.
23. Prior to issuance of an extended coverage policy, the Company will require an Owner's Affidavit be completed and submitted to the Company for approval prior to closing. The Company reserves the right to make any additional requirement as warranted.

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File Number: NCS-1276419-WA1

INFORMATION NOTES

1. Effective January 1, 1997, and pursuant to amendment of Washington State Statutes relating to standardization of recorded documents, the following format and content requirements must be met. Failure to comply may result in rejection of the document by the recorder.
2. Any sketch attached hereto is done so as a courtesy only and is not part of any Title Commitment or Policy. It is furnished solely for the purpose of assisting in locating the Land and First American expressly disclaims any liability which may result from reliance made upon it.
3. The description can be abbreviated as suggested below if necessary to meet standard requirements. The full text of the description must appear in the document (s) to be insured.

Lots 8, 18-21, Block 1, Fruitland Acres, V. 12, P. 33

APN: 265550-0185-00

4. A fee will be charged upon the cancellation of this Commitment pursuant to the Washington State Insurance Code and the filed Rate Schedule of the Company.

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Commitment No. NCS-1276419-WA1

EXHIBIT A

The Land referred to herein below is situated in the County of King, State of Washington, and is described as follows:

LOT 18, BLOCK 1, FRUITLAND ACRES TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 12, OF PLATS, PAGE 33](#), RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 150 FEET THEREOF;

ALSO LOTS 19 AND 20, BLOCK 1, FRUITLAND ACRES TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 12, OF PLATS, PAGE 33](#), RECORDS OF KING COUNTY, WASHINGTON;

ALSO LOT 21, BLOCK 1, FRUITLAND ACRES TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 12, OF PLATS, PAGE 33](#), RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THE WEST 148.22 FEET OF THE SOUTH 147.5 FEET THEREOF;

ALSO THAT PORTION OF LOT 8, BLOCK 1, FRUITLAND ACRES TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 12, OF PLATS, PAGE 33](#), RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8;
THENCE SOUTH 88°31'24" EAST ALONG THE SOUTH LINE OF SAID LOT 48.19 FEET TO A POINT ON A CURVE THE CENTER OF WHICH BEARS NORTH 81°45'41" WEST 1353.34 FEET;
THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 132.87 FEET TO A POINT OF COMPOUND CURVATURE;
THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 319.53 FEET, AN ARC DISTANCE OF 99.50 FEET TO A POINT OF TANGENCY;
THENCE NORTH 15°13'43" WEST 9.76 FEET;
THENCE NORTH 7°07'23" WEST 52.33 FEET TO A POINT OF CURVATURE;
THENCE NORTHERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 68.60 FEET, AN ARC DISTANCE OF 9.98 FEET TO A POINT OF TANGENCY;
THENCE NORTH 1°12'51" EAST 307.81 FEET TO THE SOUTH LINE OF A TRACT CONVEYED TO THE WASHINGTON TOLL BRIDGE AUTHORITY OF THE STATE OF WASHINGTON BY DEEDS RECORDED UNDER RECORDINGS NOS. 3034087 AND 3070349 FOR HIGHWAY PURPOSES;
THENCE NORTH 76°36'42" WEST ALONG SAID SOUTH LINE 34.68 FEET TO THE WEST LINE OF SAID LOT;
THENCE SOUTH 1°12'51" WEST 606.69 FEET TO THE POINT OF BEGINNING.

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(ALSO KNOWN AS PARCEL B OF CITY OF MERCER ISLAND LOT LINE REVISION MI 84-03-10 AS RECORDED UNDER RECORDING NUMBER [8403159004](#), IN KING COUNTY, WASHINGTON.)

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ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

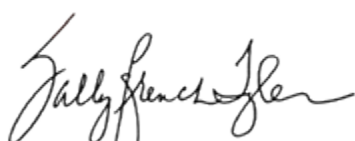
THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

FIRST AMERICAN TITLE INSURANCE COMPANY


Sally F. Tyler, President


Lisa W. Cornehl, Secretary

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COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;

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- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

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- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

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**Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:**

Issuing Agent: First American Title Insurance Company National Commercial Services
 Issuing Office: 920 Fifth Avenue, Suite 1200, Seattle, WA 98104
 Issuing Office's ALTA® Registry ID: NCS-1276417-WA1
 Commitment Number: NCS-1276417-WA1
 Issuing Office File Number: NCS-1276417-WA1
 Property Address: 9611 SouthEast 36th Street, Mercer Island, WA 98040
 Revision Number:

Reference No.: 9611 SouthEast 36th Street
 Escrow Officer Name:
 Escrow Officer Number:
 Escrow Officer Email:
 Escrow Assistant Name:
 Escrow Assistant Number:
 Escrow Assistant Email:
 Title Officer Name: Terri Nugent
 Title Officer Number: (206)615-3041
 Title Officer Email: tnugent@firstam.com

SCHEDULE A

1. Commitment Date: August 25, 2025 at 7:30 AM
2. Policy to be Issued:

	Amount	Premium	Tax
	\$To follow	\$	\$
a. ALTA® Standard Owner's Policy			
Proposed Insured: To follow			
The estate or interest to be insured: See Item 3 below			
b. ALTA® Policy	\$	\$	\$
Proposed Insured:			
The estate or interest to be insured:			
c. ALTA® Policy	\$		
Proposed Insured:			
The estate or interest to be insured:			
3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

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4. The Title is, [at the Commitment Date, vested in:](#)

The City of Mercer Island, a municipal corporation of the State of Washington

5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof

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Commitment No. NCS-1276417-WA1

SCHEDULE B, PART I—Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. If a proposed mortgage or deed of trust will secure, in whole or in part, construction advances, in order to consider providing coverage against statutory liens for services, labor, or materials arising from construction of improvements or work related to the Land, the Company will require:
For all construction projects, copies of the following:
 1. Project budget, including hard costs, soft costs, equity contributions, and sources and uses.
 2. An indemnity agreement on a form to be provided, and executed by indemnitor(s) approved, by the Company.
 3. Direct contract(s) with any general contractor(s), including projected schedule for completion of construction.
 4. Draft loan agreement detailing construction advance disbursement controls (or separate disbursement agreement, if applicable) and guaranty/ees.
 5. An appraisal if lender has required one.

If work or delivery of materials has commenced or will commence prior to closing, the Company will also require the following:

1. A list of all contractors and subcontractors who have commenced or will commence work or delivery of materials, including, for each, the total contract amount and any amounts paid to date.
2. Pay applications for the latest three (3) months, including invoices and conditional and unconditional lien waivers, from all contractors and subcontractors who have commenced work or delivery of materials.
3. Priority Agreement, on a form to be provided by the Company, signed by the general contractor(s) and all subcontractor(s) who have commenced or will commence work or delivery of materials prior to closing.

Upon receipt and review of the foregoing, the Company reserves the right to require additional documentation.

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Commitment No. NCS-1276417-WA1

SCHEDULE B, PART II—Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
3. Any facts, rights, interest, or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
4. Easements, claims of easement or encumbrances which are not shown by the Public Records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the Public Records.
6. (a) Unpatented mining claims; (b) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Water rights, claims or title to water, ditch or ditch right, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records; (d) Indian Tribal Codes or Regulations, Indian Treaty or Aboriginal Rights, including easements or equitable servitudes.
7. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
8. Any service, installation, connection, maintenance, construction, tap or reimbursement charges/costs for sewer, water, garbage or electricity.

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**SCHEDULE B - PART II
(continued)
SPECIAL EXCEPTIONS**

9. Lien of Real Estate Excise Tax upon sale of said premises, or transfer of a controlling interest, if unpaid. As of the date herein, the excise tax rates are as follows:
Levy/Area Code:1031

State Excise Tax for real property classified as Timberland (RCW 84.34 or RCW 84.33) or Agricultural land (RCW 84.34.020):

1.28% of the selling price

All other State Excise Tax:

1.10% of the selling price less than or equal to \$525,000.00

1.28% of the selling price from \$525,000.01 to \$1,525,000.00

2.75% of the selling price from \$1,525,000.01 to \$ 3,025,000.00

3.00% of the selling price over \$3,025,000.00

Local Excise Tax for the City of Mercer Island

.50% of the selling price

In additional to Excise Tax due, a fee of \$5.00 will be charged on all taxable transactions (\$10.00 on all exempt transactions)

10. Liability, if any, for pro-rata portion of **Real Property** taxes which are carried on the King County Tax Rolls, as tax account no. 265550-0075-03, are exempt.

We note Special Charges for the year 2025 in the amount of \$20.57, of which \$20.57 has been paid.
Balance due: \$0.00.

11. Potential charges, for the King County Sewage Treatment Capacity Charge, as authorized under RCW 35.58 and King County Code 28.84.050. Said charges could apply for any property that connected to the King County Sewer Service area on or after February 1, 1990.

Note: Properties located in Snohomish County and Pierce County may be subject to the King County Sewage Treatment Capacity Charges. To verify charges contact: (206) 296-1450 or CapChargeEscrow@kingcounty.gov.

12. Covenant to bear shares in the cost of construction or repair of drain easement. Easement for which was granted over adjacent property by instruments recorded under Recording No. [2255219](#).

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13. Easement, including terms and provisions contained therein:
Recording Information: [8010160472](#)
In Favor of: Puget Sound Power & Light Company
For: Electric transmission and/or distribution system
14. Terms, covenants, conditions, restrictions and easements as contained in recorded Lot Line Adjustment (Boundary Line Revision) MI-84-09-10 :
Recorded: March 15, 1984
Recording Information: [8403159004](#)
15. Easement, including terms and provisions contained therein:
Recording Information: [8403190753](#)
For: Utilities
Affects: As described therein
16. Easement, including terms and provisions contained therein:
Recording Information: [8403190754](#)
For: Strike gate
Affects: As described therein
17. Easement, including terms and provisions contained therein:
Recording Information: [8902210294](#)
In Favor of: Puget Sound Power & Light Company
For: Electric transmission and/or distribution system
18. Matters of extended owner/purchaser coverage which are dependent upon an inspection and an ALTA survey of the property for determination of insurability.

Please submit a copy of the ALTA Survey at your earliest convenience for review. Our inspection will be held pending our review of the ALTA Survey and the result of said inspection will be furnished by supplemental report.

19. Title to vest in an incoming owner whose name is not disclosed. Such name must be furnished to us so that a name search may be made.
20. Unrecorded leaseholds, if any, rights of vendors and security agreement on personal property and rights of tenants, and secured parties to remove trade fixtures at the expiration of the term.
21. Prior to issuance of an extended coverage policy, the Company will require an Owner's Affidavit be completed and submitted to the Company for approval prior to closing. The Company reserves the right to make any additional requirement as warranted.

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File Number: NCS-1276417-WA1

INFORMATION NOTES

1. Effective January 1, 1997, and pursuant to amendment of Washington State Statutes relating to standardization of recorded documents, the following format and content requirements must be met. Failure to comply may result in rejection of the document by the recorder.
2. Any sketch attached hereto is done so as a courtesy only and is not part of any Title Commitment or Policy. It is furnished solely for the purpose of assisting in locating the Land and First American expressly disclaims any liability which may result from reliance made upon it.
3. The description can be abbreviated as suggested below if necessary to meet standard requirements. The full text of the description must appear in the document (s) to be insured.

Lots 8-9, Block 1, Fruitland Acres, [V. 12, P. 33](#)

APN: 265550-0075-03

4. A fee will be charged upon the cancellation of this Commitment pursuant to the Washington State Insurance Code and the filed Rate Schedule of the Company.

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Commitment No. NCS-1276417-WA1

EXHIBIT A

The Land referred to herein below is situated in the County of King, State of Washington, and is described as follows:

PARCEL A OF CITY OF MERCER ISLAND LOT LINE REVISION MI 84-03-10 AS RECORDED UNDER RECORDING NUMBER [8403159004](#), BEING A PORTION OF LOTS 8 AND 9, BLOCK 1, FRUITLAND ACRES TO THE CITY OF SEATTLE ACCORDING TO THE PLAT THEREOF RECORDED IN [VOLUME 12 OF PLATS, PAGE 33](#), IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION DEDICATED AS "PUBLIC RIGHT-OF-WAY" BY CITY OF MERCER ISLAND RESOLUTION NO. 1065 AS RECORDED UNDER RECORDING NUMBER [8811301367](#).

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ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

FIRST AMERICAN TITLE INSURANCE COMPANY


Sally F. Tyler, President


Lisa W. Cornehl, Secretary

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COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;

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- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

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- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

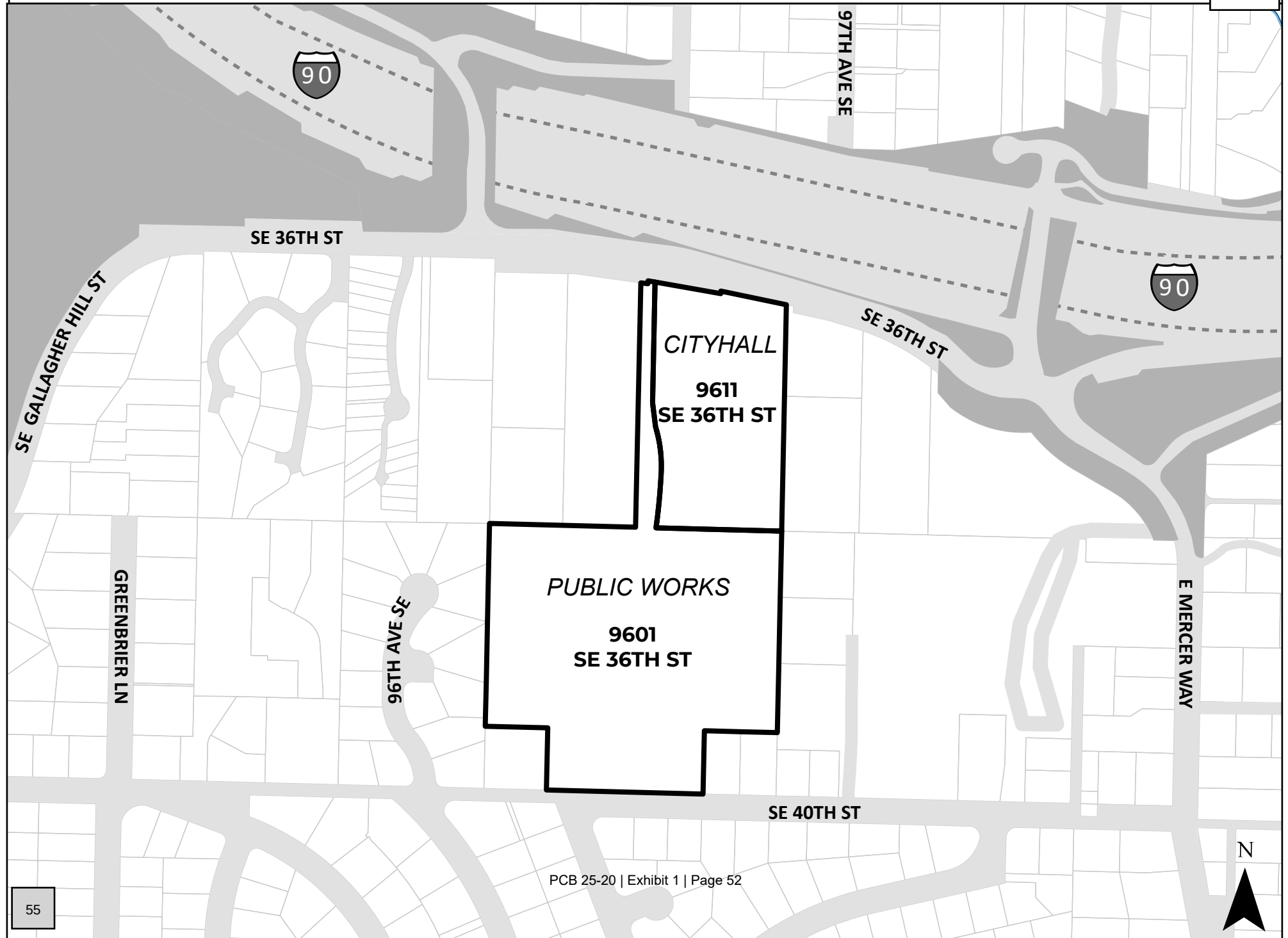
Form 50170653 (8-29-22)

Page 12 of 12

VICINITY MAP

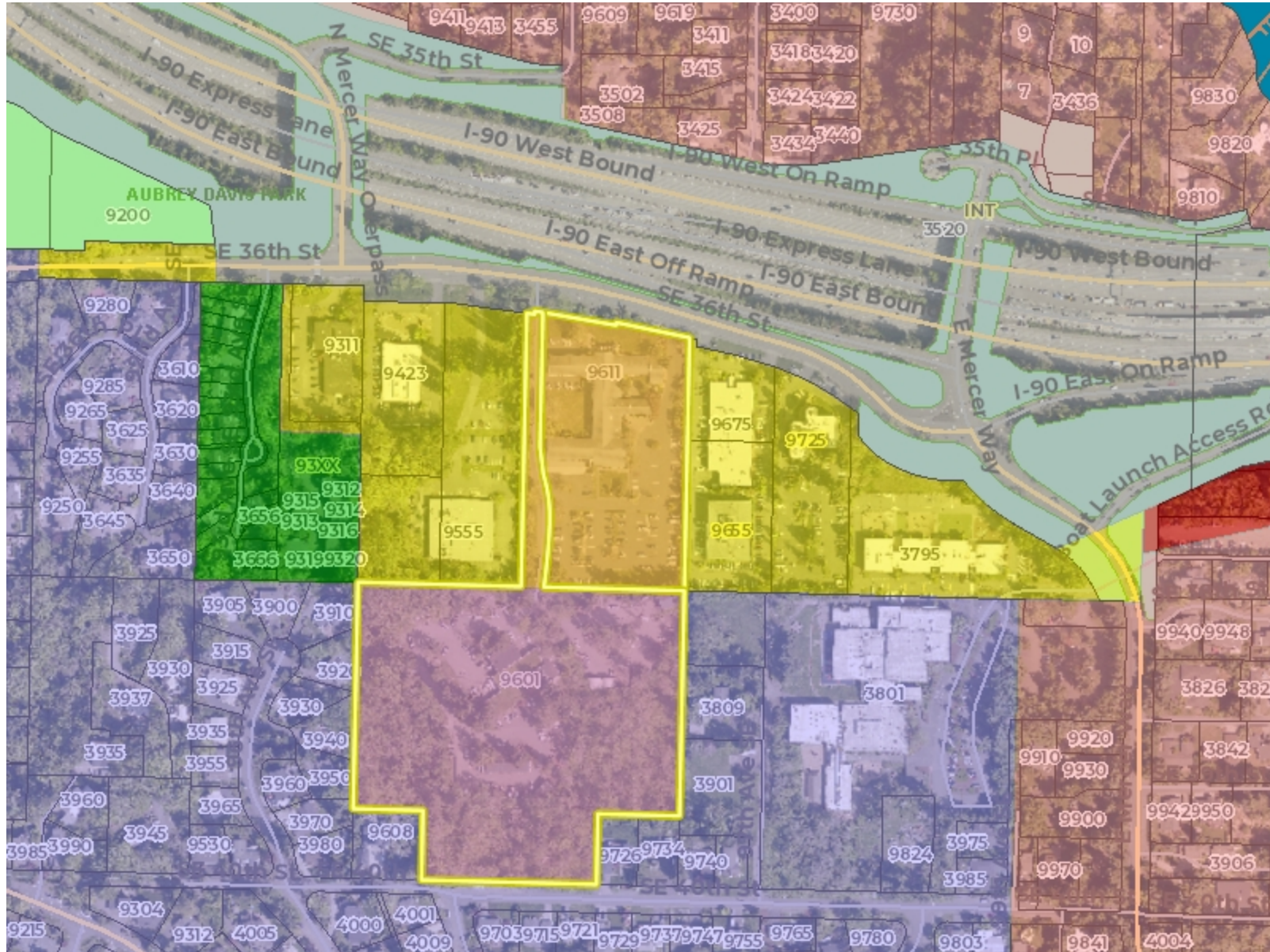
EX

Item 2.





RZN25-001 Zoning Map



Legend

Zoning

- OS
- R-15
- R-12
- R-9.6
- R-8.4
- MF-2L
- MF-3
- MF-2
- PI
- PBZ
- C-O
- TC
- B

Address

- Parcels
- Docks
- Shoreline
- Major Roads
- Street Centerline
- Parks

May 2023

- Red: Band_1
- Green: Band_2
- Blue: Band_3

0 323 646 Feet

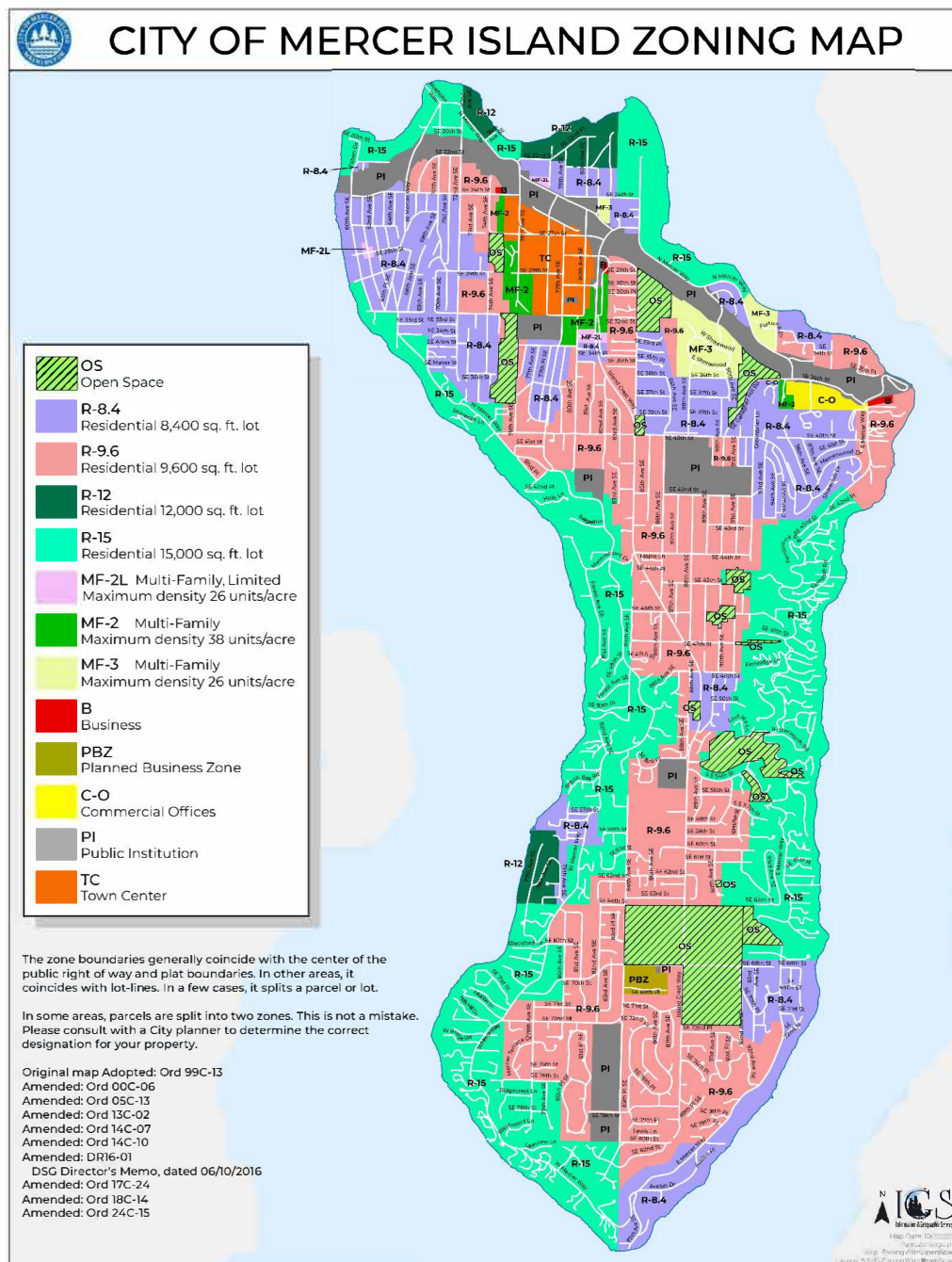
1 inch = 646.28331 feet



Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

View city of Mercer Island Zoning Map.

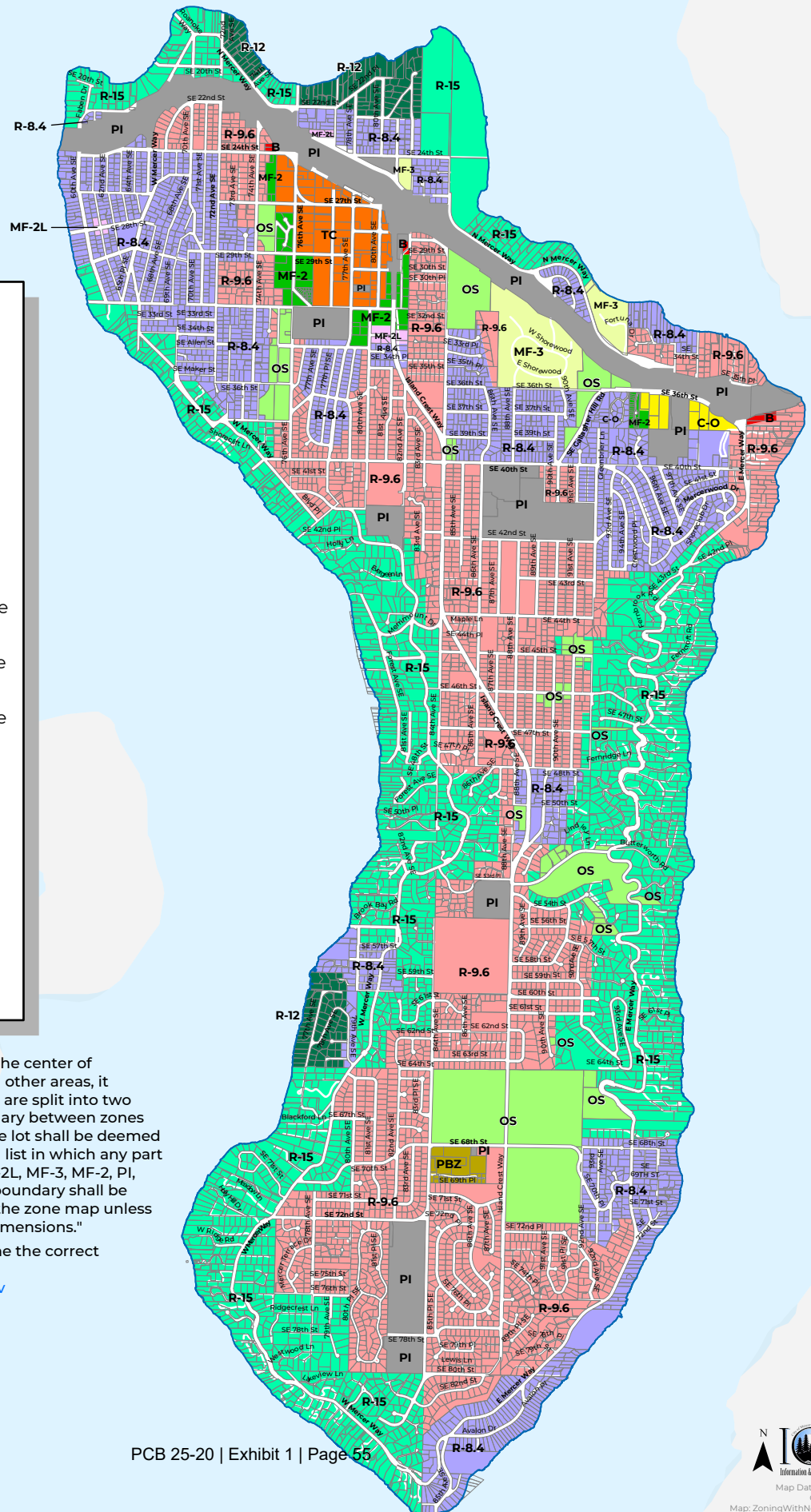
(Ord. No. 24C-15, § 6(Exh. A), 11-4-2024)



CITY OF MERCER ISLAND ZONING MAP

Item 2.

Proposed zoning change: City Hall (C-O) and Public Works (R8.4) parcels to PI.



- OS
Open Space
- R-15
Residential 15,00 sq. ft. lot
- R-12
Residential 12,000 sq. ft. lot
- R-9.6
Residential 9,600 sq. ft. lot
- R-8.4
Residential 8,400 sq. ft. lot
- MF-2L Multi-Family, Limited
Maximum density 26 units/acre
- MF-3 Multi-Family
Maximum density 26 units/acre
- MF-2 Multi-Family
Maximum density 38 units/acre
- PI
Public Institution
- PBZ
Planned Business Zone
- C-O
Commercial Offices
- TC
Town Center
- B
Business

The zone boundaries generally coincide with the center of the public right of way and plat boundaries. In other areas, it coincides with lot-lines. In some areas, parcels are split into two zones. Per City Code 19.01.040 "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, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions."

Please consult with a City planner to determine the correct designation for your property.

Contact: Landuse.Planning@MercerIsland.gov

Original map Adopted: Ord 99C-13

Amended: Ord 00C-06

Amended: Ord 05C-13

Amended: Ord 13C-02

Amended: Ord 14C-07

Amended: Ord 14C-10

Amended: DR16-01

DSG Director's Memo, dated 06/10/2016

Amended: Ord 17C-24

ed: Ord 18C-14

ed: Ord 24C-15

CITY OF MERCER ISLAND

COMMUNITY PLANNING AND DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



TRANSPORTATION CONCURRENCY CERTIFICATE NO. TCC25-018

Pursuant to MICC 19.20.020 this Certificate confirms that the transportation concurrency requirement for the proposed development described below has been satisfied pursuant to the conditions contained in this Certificate.

Project Name:	REZONE TO PUBLIC INSTITUTION	Issuance Date:	NOVEMBER 10, 2025
Site Address / Location:	9611 SE 36TH ST	ExpirationDate:	NOVEMBER 10, 2026*
Parcel(s):	2655500075	*or as otherwise established in language below	

Applicant: KELLYE HILDE
9611 SE 36TH ST
MERCER ISLAND, WA, 98040

Owner: MERCER ISLAND CITY OF,
9611 SE 36TH ST
MERCER ISLAND, WA 98040

Proposed Land Use:	COMMERCIAL	Units:	EMPLOYEES
Type of Development Proposal:	OTHER	Square Footage:	
Related Application(s):	SEP25-017	Net New Trips:	8

This Certificate is only an indication that there is adequate vehicular capacity on the City of Mercer Island street network to support the traffic forecasted to be generated by the development described above. This Certificate implies no other approvals of land use, site design, or code compliance. It is subject to the following general conditions:

Validity: A transportation concurrency certificate is valid only for the specified uses, densities, intensity and development proposal site(s) for which it was issued and shall not be transferred to a different project or parcel. A transportation concurrency certificate shall remain valid for the longer of:

1. One (1) year from the date of issuance;
2. During the period of time the development proposal associated with the certificate is under review by the city;
3. For the same period of time as the development approval. If the development does not have an expiration date or an approved phasing schedule that allows a longer build-out, the concurrency certificate shall be valid for one (1) year from the date of the last permit approval associated with the development proposal;
4. For a period of time specified in an approved development agreement.

Expiration: A transportation concurrency certificate shall expire if any of the following occur:

1. The timeframe established in the Validity section above is exceeded.
2. The related development permit application is denied or revoked by the city.
3. The related development permit expires prior to issuance of a building permit.

Extension: A transportation concurrency certificate shall not be extended. A new transportation concurrency application, review and certificate are required if the previous transportation concurrency certificate has expired.

September 19, 2025

City of Mercer Island
Attn: Kellye Hilde, Public Works Deputy Director
9601 SE 36th St
Mercer Island, WA 98040
Via: Email

RE: **RZN25-001 & SEP25-017** Determination of Complete Application; 9601 & 9611 SE 36th St, Mercer Island, WA 98040

The City of Mercer Island received an applications for a **Reclassification of Property (Rezone)** and a **SEPA Threshold Determination** for the subject property on September 17, 2025. The City has assigned file number **RZN25-001** to the Rezone application and **SEP25-017** to the SEPA Review application. Following review of the applications, City staff has determined that the applications are procedurally complete and has established a vesting date of September 19, 2025.

The application is scheduled for mailing and posting on September 29, 2025 as required by MICC 19.15.090. The Notice of Application and Notice of Public Hearing for the Rezone application will be combined, as allowed in MICC 19.15.100(A). The Public Hearing is scheduled for November 19, 2025 at 6:00PM with the Planning Commission.

A work session will be held on November 12, 2025 at 6:00PM with the Planning Commission.

Formal review of the application will now begin in compliance with Mercer Island City Code, Chapter 19. As review progresses, additional documentation will most likely be requested.

Pursuant to Mercer Island City Code 19.15.110(B), if the applicant fails to provide the required information within 60 days from the date of any request for information, the application shall lapse, and become null and void.

Please do not hesitate to contact me if you have any questions.
Sincerely,

Molly McGuire

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

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
206.275.7605 | www.mercerisland.gov



PUBLIC NOTICE OF APPLICATION & PUBLIC NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Mercer Island has received an application for the request described below and that the Mercer Island Planning Commission will hold a public hearing at its regular meeting on **Wednesday, November 19, 2025 at approximately 6:00PM** at the Mercer Island Community and Events Center:

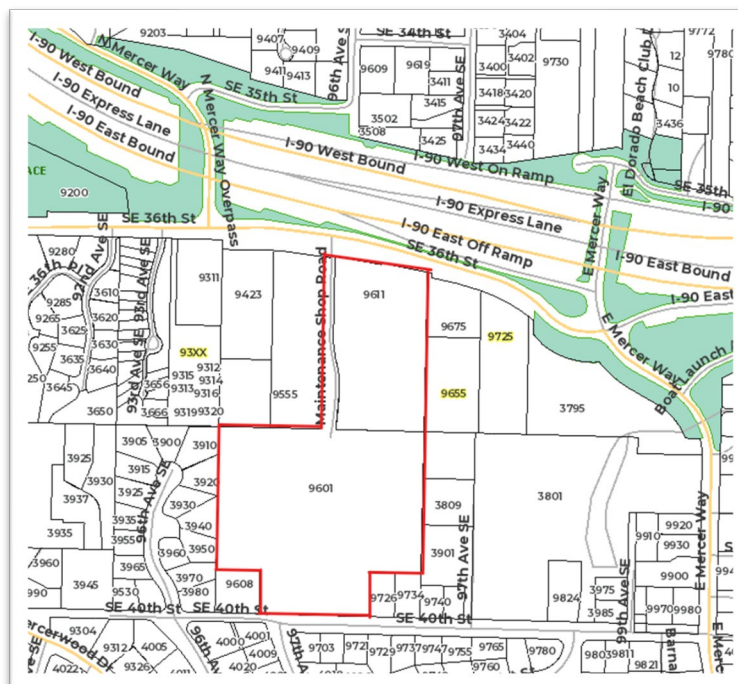
File No.: RZN25-001; SEP25-017

Permit Type: Quasi-Judicial (RZN25-001); Type III (SEP25-017)

Description of Request: A request for a reclassification of property (rezone) with SEPA Review to reclassify two City-owned properties from Commercial Office (C-O) and Single-Family Residential (R-8.4) to Public Institution (PI). Both sites are currently used for public services and are designated as Public Facility in the City's Comprehensive Plan. The rezone would also support the City's plan to construct a new Public Safety and Maintenance (PSM) Facility on the site.

Applicant/Owner: Kellye Hilde, Public Works Deputy Director (City of Mercer Island) / City of Mercer Island

Location of Property: 9601 & 9611 SE 36th St, Mercer Island WA 98040
King County Assessor tax parcel numbers: 965550-0185; 265550-0075



SEPA Compliance:

Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probably significant adverse environmental impacts was conducted. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific project may be obtained upon request.

Project Documents: <https://mieplan.mercergov.org/public/RZN25-001>

Written Comments: This may be the only opportunity to comment on this proposal. Written comments on this proposal may be submitted to the City of Mercer Island either by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments or participate at the public hearing (if a hearing is required) will be parties of record; and only parties of record will have the right to appeal.

Public Hearing and Public Meeting:

Pursuant to [MICC 19.15.030](#), a public hearing is not required for SEPA threshold determinations. A public hearing is required for reclassifications of property pursuant to [MICC 19.15.260](#).

A public hearing for RZN25-001 is scheduled before the Planning Commission on **Wednesday, November 19, 2025 at approximately 6:00PM** at the Mercer Island Community and Events Center (8263 SE 24th St, Mercer Island, WA 98040).

The Planning Commission public hearing is accessible in person and using Zoom. The public will have the opportunity to comment during the public hearing by either attending in person, calling in, or logging onto the meeting via Zoom. Written comments may be submitted to the City of Mercer Island by e-mail to cityclerk@mercerisland.gov until such time that the public hearing is adjourned.

Detailed instructions on how to comment live during the public hearing will be available online on or before November 14, 2025, at <https://www.mercerisland.gov/bc-pc>

Americans with disabilities accommodations are available by calling (206) 275-7791.

Applicable Development Regulations:

Applications for reclassifications of property are required to be processed as quasi-judicial reviews pursuant to Mercer Island City Code (MICC) 19.15.260. Review criteria for reclassifications of property are contained in MICC 19.15.240. Applications for SEPA reviews are required to be processed as Type III land use reviews pursuant to MICC 19.15.030. The City's Environmental Procedures can be found in Chapter 19.21 MICC.

Other Associated Permits:

Permit No(s): TCC25-018

Environmental Documents:

Copies of all studies and/or environmental documents are available through the above project documents link.

Application Process Information:

Date of Application:	September 17, 2025
Determined to Be Complete:	September 19, 2025
Published in Newspaper:	October 1, 2025
Weekly Permit Bulletin Notice:	September 29, 2025
Date Mailed:	September 29, 2025
Date Posted on Site:	September 29, 2025
SEPA Comment Period Ends:	5:00PM on October 31, 2025
Rezone Comment Period Ends:	Close of Public Hearing on November 19, 2025

Project Contact:

Molly McGuire, Senior Planner
 molly.mcguire@mercerisland.gov | (206) 275-7712

Client	91534 - City of Mercer Island- LEGALS	Phone	(206) 275-7600		
Address	9611 SE 36th Street	E-Mail	deborah.estrada@mercerisland.gov		
	Mercer Island, WA, 98040	Fax	(206) 275-7663		
Order#	1020291	Requested By	DEB ESTRADA	Order Price	\$287.81
Classification	3030 - Legal Notices	PO #	NOA & PH	Tax 1	\$0.00
Start Date	10/01/2025	Created By	0917	Tax 2	\$0.00
End Date	10/01/2025	Creation Date	09/25/2025, 11:44:00 am	Total Net	\$287.81
Run Dates	1			Payment	\$0.00
Publication(s)	Mercer Island Reporter				
Sales Rep	9470 - Jennifer Tribbett	Phone	(360) 802-8212		
		E-Mail	jtribbett@courierherald.com		
		Fax			

**CITY OF
MERCER ISLAND –
NOTICE OF APPLICA-
TION AND NOTICE OF
PUBLIC HEARING
SEP25-017 &
RZN25-001 – Public
Hearing November 19,
2025**

**NOTICE IS HEREBY
GIVEN** that the City of
Mercer Island has re-
ceived an application for
the request described
below and that the Mer-
cer Island Planning
Commission will hold a
public hearing at its
regular meeting on
**Wednesday, November
19, 2025 at approxi-
mately 6:00PM** at the
Mercer Island Commu-
nity and Events Center:
File No.: RZN25-001;
SEP25-017

Permit Type: Qusai-Ju-
dicial (RZN25-001);
Type III (SEP25-017)

**Description of Re-
quest:** A request for a
reclassification of prop-
erty (rezone) with SEPA
Review to reclassify two
City-owned properties
from Commercial Office
(C-O) and Single-Family
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Public Institution (PI).
Both sites are currently
used for public services
and are designated as
Public Facility in the
City's Comprehensive
Plan. The rezone would
also support the City's
plan to construct a new
Public Safety and Main-
tenance (PSM) Facility
on the site.

Applicant/Owner: Kel-
lye Hilde, Public Works
Deputy Director / City of
Mercer Island

Location of Property:
9601 & 9611 SE 36th St,
Mercer Island WA 98040
King County Assessor

tax parcel numbers:
965550-0185; 265550-0075

A vicinity map is available at <https://mieplan.mercergov.org/public/RZN25-001>

SEPA Compliance: Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probably significant adverse environmental impacts was conducted. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific project may be obtained upon request.

Project Documents:
<https://mieplan.mercergov.org/public/RZN25-001>

Written Comments:
This may be the only opportunity to comment on this proposal. Written comments on this proposal may be submitted to the City of Mercer Island either by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments or participate at the public hearing (if a hearing is required) will be parties of record; and only parties of record will have the right to appeal.

Public Hearing and Public Meeting: Pursuant to MICC 19.15.030, a public hearing is not required for SEPA threshold determinations. A public hearing is required for reclassifications of property pursuant to MICC 19.15.260.

A public hearing for RZN25-001 is scheduled before the Planning Commission on **Wednesday, November 19, 2025 at approximately 6:00PM** at the Mercer Island Community and Events Center

cer Island, WA 98040).
The Planning Commission public hearing is accessible in person and using Zoom. The public will have the opportunity to comment during the public hearing by either attending in person, calling in, or logging onto the meeting via Zoom. Written comments may be submitted to the City of Mercer Island by email to cityclerk@mercerisland.gov until such time that the public hearing is adjourned. Detailed instructions on how to comment live during the public hearing will be available online on or before November 14, 2025, at <https://www.mercerisland.gov/bc-pc>

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Applicable Development Regulations: Applications for reclassifications of property are required to be processed as quasi-judicial reviews pursuant to Mercer Island City Code (MICC) 19.15.260. Review criteria for reclassifications of property are contained in MICC 19.15.240. Applications for SEPA reviews are required to be processed as Type III land use reviews pursuant to MICC 19.15.030. The City's Environmental Procedures can be found in Chapter 19.21 MICC.

Other Associated Permits: Permit No(s): TCC25-018

Environmental Documents: Copies of all studies and/or environmental documents are available through the above project documents link.

Application Process Information: Date of Application: September 17, 2025; Determined to Be Complete: September 19, 2025; Published in Newspaper: October 1, 2025; Weekly Permit Bulletin Notice: September 29, 2025; Date Mailed: September 29, 2025; Date Posted on Site: September 29, 2025; **SEPA Comment Period Ends: 5:00PM on October 31, 2025;** **Rezone Comment Period Ends: Close of Public Hearing on November 19, 2025**

Project Contact: Molly McGuire, Senior Planner | molly.mcguire@mercerisland.gov | (206) 275-7712

Deborah Estrada, MMC Deputy City Clerk
Published in the Mercer Island Reporter: October 1, 2025

MIR1020291

PCB 25-205 | Exhibit 1 | Page 64

Molly McGuire

From: Molly McGuire
Sent: Wednesday, October 1, 2025 11:11 AM
To: callahan.ryan@gmail.com
Cc: jennifer.h.callahan@gmail.com; Deb Estrada
Subject: RE: RZN25-001; SEP25-017 Mercer Island City Property Proposed Rezone

Hi Ryan and Jennifer,

Thank you for submitting public comment on the City of Mercer Island Rezone application, City file no. RZN25-001. Your comment has been received and included in the public record.

Sincerely,

Molly McGuire

Senior Planner

City of Mercer Island – Community Planning & Development

206-275-7712 | www.mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

From: Ryan Callahan <callahan.ryan@gmail.com>
Sent: Tuesday, September 30, 2025 8:54:37 PM
To: City Clerk <cityclerk@mercerisland.gov>
Cc: Jennifer Hart <jennifer.h.callahan@gmail.com>
Subject: RZN25-001; SEP25-017 Mercer Island City Property Proposed Rezone

Dear Planning Commission Members and City Council,

I am writing to formally oppose the proposed reclassification of parcel 9601 SE 36th Street from Residential (R-8.4) to Public Institution (PI) for a Public Safety and Maintenance facility. As a nearby resident, I strongly advocate for maintaining the residential zoning and developing this property with homes as originally intended, rather than legitimizing an incompatible industrial use that has already negatively impacted our neighborhood.

EXISTING USE IS A DETRIMENT TO THE NEIGHBORHOOD: The site is currently being used as a maintenance facility, and the City has failed to maintain this property to the standards expected in a residential neighborhood. The property is poorly maintained and has become a visual blight—a black eye on our otherwise well-kept residential area. Facilities and overgrowth visible from SE 40th St. are entirely inconsistent with the residential character our neighbors work hard to maintain. This substandard maintenance has already depreciated surrounding property values and diminished our neighborhood's appeal. The proposed rezone will only further diminish property values.

PREFERENCE FOR RESIDENTIAL DEVELOPMENT: These parcels were originally zoned residential for good reason—they are located within an established residential neighborhood. I strongly prefer that this property be developed with homes per the original zoning intent. Residential development would enhance our community, maintain property values, increase the tax base through private ownership, and restore the neighborhood cohesion that has been disrupted by the current industrial use. The City should not be permitted to permanently convert residential land to industrial use simply because it has been operating a facility there, particularly when that facility has been poorly maintained.

RETROACTIVE LEGITIMIZATION OF NON-CONFORMING USE: This rezoning application appears to be an attempt to retroactively legitimize a use that may not currently conform to the property's residential zoning. The City should not reward its own non-compliance by granting a rezone. If the current use violates R-8.4 residential zoning requirements, the proper remedy is to relocate the facility to appropriately zoned land and restore this property to residential use—not to change the zoning to accommodate an existing violation. Allowing retroactive rezoning to legitimize potentially non-conforming uses sets a dangerous precedent that undermines the integrity of our zoning code and eliminates protections for residential neighborhoods.

INCOMPATIBILITY WITH RESIDENTIAL CHARACTER: The proposed rezoning would permanently authorize industrial-scale operations in a purely residential zone. Maintenance facilities generate significant noise from heavy equipment, vehicles, machinery, power tools, and backup alarms beginning in early morning hours when crews depart for daily operations. As nearby residents have already experienced, this activity directly conflicts with the quiet residential character our neighborhood was designed to maintain. Rather than formalizing this incompatible use, the City should restore the property to its intended residential purpose.

ADVERSE PROPERTY VALUE IMPACTS: Research consistently demonstrates that industrial and utility facilities adjacent to residential properties decrease surrounding home values by 5-10%. The current maintenance facility—with its poor upkeep, heavy vehicle traffic, equipment storage, and industrial operations—has already created negative externalities that diminish the desirability and market value of neighboring homes. Granting this rezone would permanently codify these impacts rather than correcting them. Conversely, developing the property with quality residential homes would enhance property values throughout the neighborhood.

INCREASED TRAFFIC AND SAFETY CONCERNS: The maintenance facility generates substantial daily truck traffic, including large municipal vehicles, equipment haulers, and service trucks. This heavy vehicle presence on residential streets poses safety risks to children, pedestrians, and local traffic patterns while degrading road conditions. Residential development would generate normal neighborhood traffic patterns consistent with surrounding properties and far less disruptive than industrial operations.

ENVIRONMENTAL AND QUALITY OF LIFE IMPACTS: The SEPA review identifies probable significant adverse environmental impacts. Maintenance facilities typically involve fuel storage, chemical handling, equipment washing operations, and outdoor material storage—all of which are inappropriate adjacent to residential properties and may pose long-term environmental and health concerns. The fact that these operations may already be occurring—and that the City has failed to properly maintain the site—does not justify making them permanent through rezoning.

ALTERNATIVE SITES AVAILABLE FOR CITY OPERATIONS: The City owns other properties already zoned public or commercial use that would be appropriate for maintenance facility operations. If the City requires this facility, it should be relocated to properly zoned land. These residential parcels should be made available for their intended use—residential development. The City could even sell the property to recover costs and reduce its maintenance burden while allowing private homeowners to develop quality residences that enhance rather than detract from our neighborhood.

FACILITY EXPANSION CONCERNS: The application notes plans to "construct a new Public Safety and Maintenance (PSM) Facility on the site." This suggests not merely continuing existing operations, but potentially expanding them. Any such expansion would further intensify the incompatible industrial use in our residential neighborhood, increase the visual blight, and compound the negative impacts we already experience.

DOUBLE STANDARD: It is particularly troubling that the City, which enforces strict maintenance and appearance standards on residential property owners, has failed to maintain its own property to acceptable standards in our neighborhood. Private residents face fines and citations for far less egregious violations than what the City has allowed on this property. If the City cannot maintain this property to residential neighborhood standards, it should not own property in residential zones.

REQUEST FOR DENIAL AND RESIDENTIAL RESTORATION: I respectfully urge the Planning Commission to deny this reclassification request and direct City staff to:

1. Investigate whether current operations comply with R-8.4 residential zoning requirements
2. Identify alternative sites that are appropriately zoned for maintenance facility operations
3. Develop a plan to relocate this facility to a non-residential location
4. Restore the subject property to residential use through sale or development of single-family homes consistent with surrounding properties

The proper solution is not to rezone residential land to accommodate an industrial facility that has been poorly maintained, but rather to relocate City operations and allow this property to fulfill its intended residential purpose. This would benefit the neighborhood, restore property values, and demonstrate the City's commitment to maintaining the residential character of our community.

Our residential neighborhood has been carefully developed and maintained over decades by private homeowners who take pride in their properties. The City should be held to the same standard. Granting this rezone would permanently sacrifice residential land to legitimize an incompatible use that has already proven detrimental to our neighborhood. I urge you to deny this application and work toward returning these parcels to residential use as originally intended.

ALTERNATE PROPOSAL SUGGESTION: I would however be willing to entertain a revised rezone that provides residential properties continuously along SE 40th St. and a public walking/bike path from SE 40th for neighborhood access to city hall and surrounding businesses and the bike trail (especially now that the JCC has closed the trail that used to exist next to the JCC). Converting a small amount of Parcel 9601 to actual residential properties would raise funds for the project and better align with the original intended use, significantly increasing the quality of the neighborhood.

Thank you for considering this opposition. Please confirm that my email has been received and added to the public record.

Respectfully submitted,

Item 2.

Ryan Callahan & Jennifer Hart

4020 96th Ave SE, Mercer Island, 98040

206.917.9345

Molly McGuire

From: Robert Johnson <rh1johnson4@hotmail.com>
Sent: Wednesday, October 8, 2025 10:18 AM
To: Molly McGuire
Subject: Re: Rezone of city property question

Sure.
 My question is simply: post rezone what is the setback? That should be easy to answer with out committing to how that setback will be treated.

On Oct 8, 2025, at 9:55 AM, Molly McGuire <molly.mcguire@mercerisland.gov> wrote:

Hi Robert,

 I was forwarded your email since I am the planner working on the rezone application. Did you intend for your comment to be entered into the record as a formal public comment? Public comments that are received during the comment period are included in the project file and responded to by the applicant throughout the review process.

 Please let me know if you would like your comment entered into the record.
 Thank you,

Molly McGuire
 Senior Planner
 City of Mercer Island – Community Planning & Development
 206-275-7712 | www.mercerisland.gov

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 The City of Mercer Island utilizes a hybrid working environment. Please see the City’s [Facility and Program Information](#) page for City service hours of operation.

-----Original Message-----
 From: Robert Johnson <rh1johnson4@hotmail.com>
 Sent: Wednesday, October 8, 2025 9:11 AM
 To: Kellye Hilde <kellye.hilde@mercerisland.gov>
 Subject: Rezone of city property question

Hi
 I live at 3910 96th Ave SE, Mercer Island WA 98040 .
 What set back or greenbelt do you envision between the hoped for redevelopment and our residential homes?
 It would be great if we didn’t have to look directly at the comings and goings and had a green shield of existing trees in the setback to protect our view.
 Robert Johnson

October 23, 2025

City of Mercer Island
ATTN: Molly McGuire
molly.mcguire@mercerisland.gov

Hello Molly McGuire,

We would like to discuss the City of Mercer Island Rezone & New PSM Facility project (SEPA #202504012, File#SEP25-017) located at 9601, 9611 SE 36th St, Mercer Island, WA 98040, as proposed by Kellye Hilde. The Washington Department of Fish and Wildlife (WDFW) is responsible for preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable recreational and commercial opportunities for fish and wildlife. Recognizing our responsibilities, we will submit the comments for the Rezone & New PSM Facility. Other comments may be offered in the future.

Fish and Wildlife Resources and Recommendations:

The applicant proposes to increase impervious surfaces, reconstruct and expand one overwater structure, and construct one new overwater structure over a Type F stream. Given the proximity of these developments to a wetland associated with the unnamed tributary to Lake Washington, which is known for salmonids utilizing this area, several concerns arise. The Department is concerned that reducing buffer distance at this location may adversely impact fish and their aquatic habitat (WAC 220-660-100).

- Per the Department's management recommendations, the provided materials must document the average bankfull width of the channel in the project reach and include hydraulics. We request to see the critical areas report and the hydraulic analysis once they are prepared.
- We require side profiles to be included in the plan set for the new structure. The new structure is necessary to meet the fish passage structure criteria, including unimpeded fish passage, as well as convey the 100-year flow and associated debris (WAC 220-160-200)

- WDFW would prefer the new structure design be changed to a bridge if possible (WAC 220-660-190 & 200). Although initial costs may be higher, it will save money over time with lower maintenance costs and will not become a barrier for fish in the future.
- Additionally, if the mitigation sequence (WAC 197-11-768) is assessed and avoidance of impacts is infeasible, then, considering the benefits lost from mature tree removal, and to fulfill no-net-loss requirements, we recommend a minimum of a 4:1 replacement ratio to mitigate the buffer reduction and tree removal. We also recommend planting native coniferous tree species near the stream to maximize shade. If cutting down trees is part of the plan, we would like to see them utilized on site, such as for making benches, fencing, or Large Woody Material (LWM) in the wetland system.
- Finally, due to its proximity to a regulated stream and given the two water crossing structures, this project will require an HPA. Consequently, we encourage people planning hydraulic projects to submit a general concept (pre-application) for review through the [Aquatic Protection Permitting System \(APPS\)](#). At any stage of the planning process, you may contact your local habitat biologist, Maria McNaughton (maria.mcnaughton@dfw.wa.gov or 360-890-2975), to ask questions and get feedback on project design and compliance with WAC 220-660 (the Hydraulic Code).

Thank you for taking the time to consider our comments on this proposal, which aim to better align it with state regulations and the best available science for fish and wildlife habitats and ecosystems. Please do not hesitate to contact me with any questions or if you need our technical assistance or resources during this process.

Sincerely,



Beck Sessa (she/her)
Biologist, Habitat Division
Washington Department of Fish and Wildlife

R4Splanning@dfw.wa.gov
425.651.9790

Cc: Maria McNaughton, Habitat Biologist, maria.mcnaughton@dfw.wa.gov

Beck Sessa, Habitat Biologist, R4Splanning@dfw.wa.gov



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office
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October 31, 2025

Molly McGuire, Senior Planner
Community Planning and Development Department
City of Mercer Island
9611 SE 36th St
Mercer Island, WA 98040

**Re: City of Mercer Island Rezone & New Public Safety and Maintenance Facility
File# SEP25-017, Ecology SEPA# 202504012**

Dear Molly McGuire:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) notice of application utilizing the optional determination of nonsignificance (ODNS/NOA) process for the City of Mercer Island Rezone & New Public Safety and Maintenance Facility project. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

The property is listed by Ecology as a contaminated Site (Mercer Island Public Works Site, Cleanup Site ID 8968). The Site was enrolled in Ecology's Voluntary Cleanup Program (VCP) in 2004 (VCP NW1365) at the initiation of the Site cleanup process; however, the Site was terminated from the VCP in 2007 due to cleanup inactivity. Petroleum contamination has been confirmed in soil and groundwater at the Site due to releases from former underground storage tanks (USTs) (LUST ID 973). Cleanup of the Site has not been completed, and contamination remains present on the property. Information for this Site can be found on Ecology's [Mercer Island Public Works Site Webpage](#).

Ecology recommends the proposal include the cleanup of the Site under the Model Toxics Control Act (MTCA), WAC 173-340, to address the known soil and groundwater contamination present on the property. Since the contaminants on the property are petroleum-related, Ecology recommends cleaning up the Site through the Washington Pollution Liability Insurance Agency (PLIA). PLIA assists tank owners, operators, and property owners with petroleum-related Site cleanup under their [Technical Assistance Program \(TAP\)](#).

Ecology recommends working with PLIA to develop a contingency plan to address contaminated media and to complete Site cleanup prior to and during construction activities. PLIA's [TAP Fact Sheet](#) can provide more information regarding Site cleanup. If an unknown UST is encountered during demolition activities, it must be decommissioned in accordance with local fire department regulations.

Ecology strongly recommends working with an environmental professional to assist with regulatory compliance requirements. The environmental profession can also assist with UST decommissioning (if needed). If PLIA determines that the Site is not eligible for their TAP, the environmental professional can assist in enrolling the Site into Ecology's VCP.

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Kim Vik from the Toxics Cleanup Program at (206) 556-5258 or by email at kim.vik@ecy.wa.gov.

Sincerely,



Kelli Price
SEPA Coordinator

Sent by email: Molly McGuire, molly.mcguire@mercerisland.gov

ecc: Kim Vik, Ecology

Applicant Response to Public Comments

RZN25-001 and SEP25-017

This document responds to public comments on the City's rezone application (RZN25-001) for Parcels 2655500075 and 2655500185 and the SEPA Checklist (SEP25-017). Responses cite the Mercer Island Comprehensive Plan ([Ordinance 24C-16](#)) and the Mercer Island City Code (MICC), including [MICC 19.15.240](#) (Reclassification of property), [Chapter 19.07 MICC](#) (Environment), [Chapter 19.10 MICC](#) (Trees), and applicable [Chapter 19.11 MICC](#) design standards required for Public Institution (PI) development under [MICC 19.05.010\(C\)](#).

RZN25-001 PUBLIC COMMENTS

1. **Existing use is a detriment to the neighborhood:** The site is currently being used as a maintenance facility, and the City has failed to maintain this property to the standards expected in a residential neighborhood. The property is poorly maintained and has become a visual blight—a black eye on our otherwise well-kept residential area. Facilities and overgrowth visible from SE 40th St. are entirely inconsistent with the residential character our neighbors work hard to maintain. This substandard maintenance has already depreciated surrounding property values and diminished our neighborhood's appeal. The proposed rezone will only further diminish property values.

Applicant Response:

The proposed rezone is consistent with the Comprehensive Plan and the approval criteria of [MICC 19.15.240\(C\)](#). Both parcels (2655500075, 2655500185) are designated Public Facility on the Future Land Use Map ([Ordinance 24C-16](#), Land Use Element, pp. 101-102), identifying civic and institutional uses such as City Hall, public safety facilities, and municipal operations. Rezoning to PI aligns zoning with this adopted designation and the site's long-standing civic use.

The Public Safety and Maintenance (PSM) Facility will improve facility and site conditions by replacing aging buildings and reorganizing yard space for City vehicles and materials to:

- Improve operational efficiency with well-designed storage and circulation areas for large vehicles, equipment, and materials;
- Provide covered storage, improved lighting, security, and landscaping to screen parking and yard areas;
- Incorporate outdoor staff amenity spaces and pedestrian connections;
- Construct new facilities and yard structures that incorporate high-quality architectural detail with materials that are easily maintainable; and
- Utilize grade changes, retaining walls, material enclosures, and screening vegetation to visually and audibly screen site activities.

These improvements will significantly enhance the property's appearance, functionality, and compatibility with the surrounding neighborhood, directly addressing maintenance concerns raised by residents.

Although the site is outside the Town Center, development within the PI zone must comply with the design standards of [Chapter 19.11 MICC](#), as required by [MICC 19.05.010\(C\)](#). This ensures that the PSM Facility is held to the same design standards intended to ensure compatibility, pedestrian orientation, and a human-scale built environment.

In accordance with [MICC 19.11.010\(D\)](#):

- **Design Vision:** New or redeveloped facilities should enhance the public realm, provide a sense of place, and incorporate landscaping, architectural detailing, and pedestrian connections.
- **Function:** The design must support accessibility and circulation for pedestrians, bicyclists, motorists, and service vehicles while reflecting a high-quality civic character.
- **Site Features:** Public amenities, greenery, and architectural treatments will help the facility fit sensitively into its setting and maintain a human scale.
- **Pedestrian Orientation:** Site layout and circulation will prioritize safe and convenient pedestrian movement and integrate opportunities for alternative transportation.

Through these requirements, the PSM Facility will be designed to meet the City's standards for high-quality civic development. The project will balance operational needs with context-sensitive site and building design, landscaping, and environmental performance measures consistent with the Comprehensive Plan's goal of providing efficient, durable, and well-maintained public facilities.

2. **Preference for residential development:** These parcels were originally zoned residential for good reason—they are located within an established residential neighborhood. I strongly prefer that this property be developed with homes per the original zoning intent. Residential development would enhance our community, maintain property values, increase the tax base through private ownership, and restore the neighborhood cohesion that has been disrupted by the current industrial use. The City should not be permitted to permanently convert residential land to industrial use simply because it has been operating a facility there, particularly when that facility has been poorly maintained.

Applicant Response:

While one parcel is currently zoned R-8.4, both parcels are designated Public Facility in the Mercer Island Comprehensive Plan, the City's 20-year policy document that guides future land use and development decisions. This designation reflects the long-standing civic use of the property and the City's intent for the site to continue accommodating municipal and public safety services.

Pursuant to [MICC 19.15.240\(C\)\(1\) and \(2\)](#), rezoning the parcels to PI implements the Comprehensive Plan by aligning zoning with the adopted land-use designation and ensuring that the property continues to serve essential public functions. Redeveloping the site with single-family housing would directly conflict with the City's long-range land-use map and limit the City's ability to provide critical emergency, public safety, maintenance, and operational services from a centralized, purpose-built facility.

As noted in Response 1, PI projects must also meet applicable [Chapter 19.11 MICC](#) design standards as required by [MICC 19.05.010\(C\)](#).

3. **Retroactive legitimization of non-conforming use:** This rezoning application appears to be an attempt to retroactively legitimize a use that may not currently conform to the property's residential zoning. The City should not reward its own non-compliance by granting a rezone. If the current use violates R-8.4 residential zoning requirements, the proper remedy is to relocate the facility to appropriately zoned land and restore this property to residential use—not to change the zoning to accommodate an existing violation. Allowing retroactive rezoning to legitimize potentially non-conforming uses sets a dangerous precedent that undermines the integrity of our zoning code and eliminates protections for residential neighborhoods.

Applicant Response:

The proposed rezone is to align the zoning map with the City's long-standing Comprehensive Plan designation and lawful approvals for the site's current use.

The maintenance facility at 9601 SE 36th Street (Parcel No. 2655500185) was established through a Conditional Use Permit (CUP 7910-001) approved by the City of Mercer Island Planning Commission and City Council in November 1979. The facility was expressly authorized under the R-8.4 Residential zoning district, which at that time allowed public utility and governmental buildings as conditional uses. The Planning Commission staff report, Design Commission minutes, and Council action ([Bill No. 883](#)) confirm that the project met all applicable development standards, including setbacks, height limits, lot coverage, landscaping, and access requirements.

Since its approval, the facility has continuously operated as a lawful public use under that permit. It is therefore not a non-conforming use, but a permitted one consistent with the City's prior zoning code and CUP conditions.

The proposed rezone to PI is a legislative correction that brings the zoning map into conformity with the Public Facility designation established in the Comprehensive Plan ([Ordinance 24C-16](#)). Pursuant to [MICC 19.15.240\(C\)\(4\)](#), such action is a lawful policy-based reclassification that implements the City's adopted land use vision for long-term civic and institutional use of these parcels—not a site-specific action designed to cure a violation, even if there was one.

In summary, the rezone formalizes existing, legally established City operations on land that has served as a public works facility for more than four decades. It does not reward any alleged non-compliance or set precedent for zoning exceptions; rather, it ensures consistency between the Comprehensive Plan, zoning map, and long-approved public use.

4. **Incompatibility with residential character:** The proposed rezoning would permanently authorize industrial-scale operations in a purely residential zone. Maintenance facilities generate significant noise from heavy equipment, vehicles, machinery, power tools, and backup alarms beginning in early morning hours when crews depart for daily operations. As nearby residents have already experienced, this activity directly conflicts with the quiet residential character our neighborhood was designed to maintain. Rather than formalizing this incompatible use, the City should restore the property to its intended residential purpose.

Applicant Response:

The proposed rezone and use are compatible with surrounding land uses under the criteria of [MICC 19.15.240\(C\)\(5\)](#). As discussed in Responses 1, 2, and 3, both parcels have long supported lawful civic functions that serve the entire community. The existing maintenance facility was approved under a Conditional Use Permit (CUP 7910-001) in 1979 and has operated continuously since that time as a permitted public use. Rezoning to Public Institution (PI) does not introduce a new or intensified activity; it aligns the zoning map with the Public Facility designation in the Comprehensive Plan and the site's historic and intended civic role.

Development within the PI zone must comply with [MICC 19.05.010\(C\)](#) and the applicable sections of [Chapter 19.11 MICC](#) (Design Standards). These provisions apply City-wide to ensure civic facilities meet consistent expectations for site layout, building form, and compatibility, even when located outside the Town Center. Standards addressing building placement, modulation, screening, lighting, and pedestrian circulation will guide project design to minimize potential impacts on adjacent homes and maintain a well-screened edge along SE 40th Street.

Operations at the facility will remain municipal in nature, limited to City fleet vehicles, equipment, and staff. These activities are regulated by City noise, traffic, and environmental codes. Collectively, the proposed rezone and required design standards will ensure the property functions efficiently for civic purposes while maintaining a compatible relationship with surrounding residential uses.

5. **Adverse property value impacts: Research consistently demonstrates that industrial and utility facilities adjacent to residential properties decrease surrounding home values by 5-10%. The current maintenance facility—with its poor upkeep, heavy vehicle traffic, equipment storage, and industrial operations—has already created negative externalities that diminish the desirability and market value of neighboring homes. Granting this rezone would permanently codify these impacts rather than correcting them. Conversely, developing the property with quality residential homes would enhance property values throughout the neighborhood.**

Applicant Response

Concerns regarding compatibility and neighborhood character are addressed in Responses 1, 2 and 4. Property values, however, are not a decision criterion under [MICC 19.15.240](#). The City's review obligation is to demonstrate that the proposed PI zoning is consistent with the Comprehensive Plan and compatible with surrounding land uses under [MICC 19.15.240\(C\)\(1\), \(5\), and \(6\)](#).

Both parcels are designated Public Facility in the Comprehensive Plan, which identifies the site for civic and institutional functions that benefit the entire community. Rezoning to PI aligns zoning with this adopted designation and enables construction of a PSM Facility that consolidates essential City services.

Providing well-designed public facilities that improve operational efficiency and emergency responsiveness represents a community-wide public benefit that serves all Mercer Island residents. While the City does not pursue zoning changes to affect private property values, this rezone fulfills the public purpose of maintaining reliable, efficient, and accessible City services consistent with the

Comprehensive Plan's goals for public health, safety, and welfare ([Ordinance 24C-16](#), Land Use Element, p. 101- 102 and Capital Facilities Element, pp. 183–185).

6. **Increased traffic and safety concerns:** The maintenance facility generates substantial daily truck traffic, including large municipal vehicles, equipment haulers, and service trucks. This heavy vehicle presence on residential streets poses safety risks to children, pedestrians, and local traffic patterns while degrading road conditions. Residential development would generate normal neighborhood traffic patterns consistent with surrounding properties and far less disruptive than industrial operations.

Applicant Response

A transportation analysis included in the SEPA Checklist ([SEP25-017](#), section 14.f) estimates approximately eight additional PM-peak-hour trips compared with existing operations - an increase well within City concurrency standards ([Chapter 19.20 MICC](#)). The proposed access will remain on SE 36th Street, maintaining existing circulation patterns and avoiding neighborhood cut-through traffic on SE 40th Street.

As described in Responses 1 and 4, development within the PI zone is subject to the design and access standards of [MICC 19.05.010](#) and applicable sections of [Chapter 19.11 MICC](#). These requirements ensure that site circulation, frontage improvements, and access points are designed to maintain safe and efficient operations for pedestrians, vehicles, and service equipment.

Final permits will include detailed review of frontage and access design to confirm compliance with applicable City standards and to maintain neighborhood safety.

7. **Environmental and quality of life impacts:** The SEPA review identifies probable significant adverse environmental impacts. Maintenance facilities typically involve fuel storage, chemical handling, equipment washing operations, and outdoor material storage—all of which are inappropriate adjacent to residential properties and may pose long-term environmental and health concerns. The fact that these operations may already be occurring—and that the City has failed to properly maintain the site—does not justify making them permanent through rezoning.

Applicant Response

The SEPA Checklist ([SEP25-017](#), sections 3 and 7) did not identify any probable significant adverse environmental impacts associated with the proposed rezone or redevelopment. The checklist and supporting technical studies - including the Wetland and Stream Delineation Report (Facet, April 22, 2024)—found that all potential impacts can be mitigated through standard measures required under [Chapter 19.07 MICC](#) (Environment), [Chapter 19.10 MICC](#) (Trees), and state environmental regulations in WAC 197-11 (SEPA Rules).

Fuel storage, chemical handling, and vehicle maintenance activities will be conducted in compliance with state and local environmental requirements. Any above-ground or underground storage tanks will be permitted, managed, or decommissioned consistent with the Washington State Department of Ecology (Ecology) standards for hazardous materials management and spill prevention. The new

facility will include designated, contained areas for vehicle washing, equipment storage, and material handling designed to prevent runoff and protect nearby critical areas and groundwater.

Under the new PI zoning, site redevelopment will trigger full environmental and building permit review, ensuring compliance with [MICC 19.07.090](#) (Critical Area Review 2) and Ecology's Stormwater Management Manual for Western Washington. The project will include stormwater treatment, detention, and spill-control systems that comply with current City and Ecology standards.

The rezone does not authorize site operations or exempt the property from environmental regulation. Future construction and facility use will remain subject to City, state, and federal environmental review to ensure all activities are properly contained and managed. These reviews will ensure the redeveloped site meets current environmental and public health requirements.

8. **Alternative sites available for city operations:** The City owns other properties already zoned for public or commercial use that would be appropriate for maintenance facility operations. If the City requires this facility, it should be relocated to properly zoned land. These residential parcels should be made available for their intended use—residential development. The City could even sell the property to recover costs and reduce its maintenance burden while allowing private homeowners to develop quality residences that enhance rather than detract from our neighborhood.

The City does not own other property that is zoned for public or commercial use that is appropriate for public safety and maintenance facilities. The City proposes to continue using its existing, City-owned municipal campus for the PSM Facility. This site has long served as the location for City Hall and Public Works operations and is already developed and equipped for municipal use.

As described in Responses 1 and 2, both parcels are designated Public Facility in the Comprehensive Plan ([Ordinance 24C-16](#)), which identifies this property for civic and institutional functions. Rezoning to PI aligns the zoning map with that adopted designation and provides a consistent regulatory framework for redevelopment.

The proposal is supported by Goal 1 of the Comprehensive Plan's Capital Facilities Element (pp. 183–185), which emphasize providing public facilities in a fiscally responsible and cost-effective manner. Using existing City property avoids the need for land acquisition or relocation of infrastructure while modernizing facilities that serve the entire community.

9. **Facility expansion concerns:** The application notes plans to "construct a new Public Safety and Maintenance (PSM) Facility on the site." This suggests not merely continuing existing operations, but potentially expanding them. Any such expansion would further intensify the incompatible industrial use in our residential neighborhood, increase the visual blight, and compound the negative impacts we already experience.

Applicant Response

The proposed PSM Facility will replace and consolidate existing City functions that already operate from the site. It does not expand the scope or intensity of municipal operations beyond their current

civic purpose. The new facility is designed to improve efficiency, safety, and long-term reliability of essential services by replacing aging and undersized buildings that no longer meet operational needs.

As described in Responses 1 and 2, both parcels are designated Public Facility in the Mercer Island Comprehensive Plan ([Ordinance 24C-16](#)), which identifies this site for civic and institutional use. The rezone to PI aligns zoning with this adopted designation and provides a consistent regulatory framework for redevelopment.

Redevelopment of the site will occur through the City's standard permit process and will be subject to all applicable development, environmental, and design standards under [Title 19 MICC](#). These requirements ensure that site layout, building scale, landscaping, and operations are reviewed to maintain compatibility with surrounding properties.

- 10. Double standard:** It is particularly troubling that the City, which enforces strict maintenance and appearance standards on residential property owners, has failed to maintain its own property to acceptable standards in our neighborhood. Private residents face fines and citations for far less egregious violations than what the City has allowed on this property. If the City cannot maintain this property to residential neighborhood standards, it should not own property in residential zones.

[Applicant Response](#)

As noted in Response 3, the existing maintenance facility was lawfully established under Conditional Use Permit (CUP 7910-001) approved in 1979 and has operated as a permitted civic use since that time. City-owned properties are subject to the same maintenance, environmental, and development regulations as any other property. Redevelopment under the Public Institution (PI) zone will require full compliance with applicable building, environmental, and design standards. Construction, operations, and site maintenance will continue to be reviewed and inspected through the City's established permitting and code-enforcement processes to ensure consistent compliance with City regulations.

- 11. Request for denial and residential restoration:** I respectfully urge the Planning Commission to deny this reclassification request and direct City staff to:

- Investigate whether current operations comply with R-8.4 residential zoning requirements
- Identify alternative sites that are appropriately zoned for maintenance facility operations
- Develop a plan to relocate this facility to a non-residential location
- Restore the subject property to residential use through sale or development of single-family homes consistent with surrounding properties

[Applicant Response](#)

As noted in Response 3, the existing maintenance facility was lawfully established under Conditional Use Permit (CUP 7910-001), approved by the City Council in 1979. The permit authorized public utility and governmental uses within the R-8.4 zone and confirmed that the facility met all applicable development standards in effect at that time. The site has operated continuously as a permitted civic use and remains in compliance with that approval.

City staff also investigated whether alternative locations could accommodate public works and public safety operations as part of the PSM Facility pre-design process. That analysis determined there were

no feasible alternative sites on Mercer Island that met the operational, access, and land area requirements necessary for these essential municipal functions.

The comment's proposal to relocate operations or redevelop the site for residential use is not consistent with the Comprehensive Plan ([Ordinance 24C-16](#)), which designates both parcels as Public Facility for long-term civic and institutional use. As discussed in Responses 1, 2, and 3, the site has long served as a lawful and essential civic facility. Rezoning to PI aligns the zoning map with this adopted designation and ensures the property remains available for the continued delivery of critical City services consistent with adopted land use policy.

The rezone also ensures that any future redevelopment is reviewed under current design, environmental, and permitting standards, maintaining compatibility with the surrounding neighborhood and improving site conditions over time.

12. **Alternate proposal suggestion:** I would however be willing to entertain a revised rezone that provides residential properties continuously along SE 40th St. and a public walking/bike path from SE 40th for neighborhood access to city hall and surrounding businesses and the bike trail (especially now that the JCC has closed the trail that used to exist next to the JCC). Converting a small amount of Parcel 9601 to actual residential properties would raise funds for the project and better align with the original intended use, significantly increasing the quality of the neighborhood.

Applicant Response

The suggestion to redevelop a portion of the site for residential use is not consistent with the Comprehensive Plan. Both parcels are designated Public Facility, reflecting the City's intent for long-term civic and institutional use.

As noted in Responses 1, 2, and 11, rezoning to PI aligns the zoning map with this adopted designation and supports continued use of the property for essential public services. Converting any portion of the site to residential use would conflict with this designation and with the City's capital planning goals.

Opportunities for improved pedestrian and bicycle connections will be reviewed during site design to ensure safe and accessible circulation consistent with the City's adopted [Pedestrian and Bicycle Facilities Plan \(2010\)](#). In addition, construction of new sidewalks and connections along SE 36th Street will occur as part of the upcoming [Water System Improvement Project](#), and further evaluation of multi-modal (bike, pedestrian, and vehicle) improvements will be undertaken through the City's annual [Transportation Improvement Program](#) (TIP) process. These planned improvements will enhance access and connectivity for nearby residents while supporting the site's long-term public use.

13. **What set back or greenbelt do you envision between the hoped for redevelopment and our residential homes?** It would be great if we didn't have to look directly at the comings and goings and had a green shield of existing trees in the setback to protect our view.

Applicant Response

As described in Responses 1, 2, and 4, development within the PI zone is subject to the design standards of [MICC 19.05.010](#) and applicable sections of [Chapter 19.11 MICC](#) (Town Center Development and Design Standards). These provisions establish site layout, building form, landscaping, and pedestrian circulation standards intended to ensure high-quality civic design and compatibility with surrounding uses.

Pursuant to [MICC 19.11.030\(A\)\(6\)](#), no minimum setbacks are required, except along public rights-of-way where space must be provided for sidewalks and landscaping. Along SE 36th Street, structures must be set back to provide at least 12 feet of sidewalk between the building and the curb, with additional setback encouraged for landscaping or pedestrian features.

Due to the presence of steep slopes and critical areas along the southeast, south, and southwest portions of the site, the City is limited in where development can occur, resulting in natural buffers along those property edges. Together, these design standards, natural site constraints, and the City's landscaping and tree retention requirements will ensure a visually compatible and well-landscaped transition between future PI development and adjacent residential properties.

SEP25-017-001 PUBLIC COMMENTS

1. The applicant proposes to increase impervious surfaces, reconstruct and expand one overwater structure, and construct one new overwater structure over a Type F stream. Given the proximity of these developments to a wetland associated with the unnamed tributary to Lake Washington, which is known for salmonids utilizing this area, several concerns arise. The Department is concerned that reducing buffer distance at this location may adversely impact fish and their aquatic habitat (WAC 220-660-100).
 - Per the Department's management recommendations, the provided materials must document the average bankfull width of the channel in the project reach and include hydraulics. We request to see the critical areas report and the hydraulic analysis once they are prepared.
 - We require side profiles to be included in the plan set for the new structure. The new structure is necessary to meet the fish passage structure criteria, including unimpeded fish passage, as well as convey the 100-year flow and associated debris (WAC 220-160-200).
 - WDFW would prefer the new structure design be changed to a bridge if possible (WAC 220-660-190 & 200). Although initial costs may be higher, it will save money over time with lower maintenance costs and will not become a barrier for fish in the future.
 - If the mitigation sequence (WAC 197-11-768) is assessed and avoidance of impacts is infeasible, then, considering the benefits lost from mature tree removal, and to fulfill no-net-loss requirements, we recommend a minimum of a 4:1 replacement ratio to mitigate the buffer reduction and tree removal. We also recommend planting native coniferous tree species near the stream to maximize shade. If cutting down trees is part of the plan, we would like to see them utilized on site, such as for making benches, fencing, or Large Woody Material (LWM) in the wetland system.

- Due to its proximity to a regulated stream and given the two water crossing structures, this project will require an HPA. Consequently, we encourage people planning hydraulic projects to submit a general concept (pre-application) for review through the Aquatic Protection Permitting System (APPS). At any stage of the planning process, you may contact your local habitat biologist, Maria McNaughton (maria.mcnaughton@dfw.wa.gov or 360-890-2975), to ask questions and get feedback on project design and compliance with WAC 220-660 (the Hydraulic Code).

Applicant Response

WDFW's comments are consistent with the intent of [MICC 19.07](#) (Environment), which requires protection of critical areas, fish and wildlife habitat, and compliance with state and federal regulations. Several of the Department's recommendations go beyond the City's adopted requirements and will be reviewed for consistency with applicable City and state codes during permitting.

- Hydraulics / bankfull width documentation: [MICC 19.07.110](#) requires a critical area study prepared by a qualified professional using best available science consistent with the standards in the Washington Administrative Code [WAC Chapter 365-195](#). The study will evaluate site conditions and provide the level of detail necessary to demonstrate compliance with City and state standards.
- Side profiles and fish passage design: The City acknowledges WDFW's requirement under [WAC 220-660-200](#) for side profile drawings to demonstrate compliance with fish passage and hydraulic design criteria. Side profiles will be included in the final plan set for the proposed replacement structure to illustrate invert elevations, streambed alignment, slope, and hydraulic capacity to convey the 100-year flow and associated debris. These drawings, along with plan and cross-section views, will ensure the project meets WDFW fish passage and hydraulic performance standards and will be provided with the submittal for Hydraulic Project Approval (HPA) review.
- Bridge preference: The City's code allows bridges or culverts provided they comply with applicable standards under [MICC 19.07.180\(D\)\(1\)](#) and [WAC 220-660-190](#). The selection of structure type will be based on site conditions, engineering feasibility, and regulatory compliance.
- Tree replacement and buffer mitigation: Mitigation for buffer or tree impacts will follow the requirements of [MICC 19.07.100](#) (Mitigation Sequencing), [MICC 19.07.180\(E\)](#) (Watercourses), [MICC 19.07.190\(E\)](#) (Wetlands), and [Chapter 19.10 MICC](#) (Trees). These provisions require avoidance, minimization, and compensatory mitigation sufficient to achieve no net loss of ecological function.
- Hydraulic Project Approval (HPA): As required by [MICC 19.07.030\(B\)](#) and [WAC 220-660](#), an HPA will be obtained for any work in or over regulated waterbodies. Coordination with WDFW will occur as part of that permitting process.

The project will comply with all applicable environmental regulations under [Chapter 19.07 MICC](#), [Chapter 19.10 MICC](#), and [WAC 220-660](#). Recommendations from WDFW that extend beyond these

requirements will be considered within the context of adopted City and state standards but are not mandatory unless required by law or regulation.

CITY OF MERCER ISLAND
COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: (206) 275-7605 | www.mercerisland.gov



CITY USE ONLY		
PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

SEPA REVIEW

The State Environmental Policy Act (SEPA), chapter [43.21C RCW](#), requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

REVIEW PROCESS – TYPE III LAND USE REVIEW

Type III reviews require the exercise of discretion about nontechnical issues. Type III reviews require a pre-application meeting, letter of complete application, notice of application mailing and posting, a 30-day public comment period, notice of decision, and the decision is made by the Code Official. Type III reviews do not require a public hearing.

SEPA reviews are also subject to the environmental procedures outlined in [MICC 19.21](#). When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements and, if an EIS is necessary, shall supervise preparation of the EIS.

Upon the receipt of an application for a proposal, the receiving city department shall, and for city proposals, the initiating city department shall, determine whether the proposal is an action potentially subject to SEPA and, if so, whether it is categorically exempt. This determination shall be made based on the definition of action ([WAC 197-11-704](#)), and the process for determining categorical exemption ([WAC 197-11-305](#)). As required, city departments shall ensure that the total proposal is considered. If there is any question whether or not a proposal is exempt, then the responsible official shall be consulted.

PRE-APPLICATION MEETING

A Pre-Application Meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application meeting – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

For more information on the Pre-Application Meeting process, please refer to the [Pre-Application Meeting Request Form](#).

FEES

Fees applicable to this project:

- SEPA Review
- Environmental Impact Statement

Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

PROPERTY INFORMATION

Property Address: 9601 and 9611 SE 36th Street 98040

Parcel Number(s): 9655500185 and 2655500075

Gross Lot Area(s):

593,262 SF / 13.62 AC

Net Lot Area(s):

593,262 SF / 13.62 AC

Zone:

R-8.4 and CO

Shoreline Environment Designation (if located within 200 feet of Lake Washington):

- ☐ Urban Residential
- ☐ Urban Park

CRITICAL AREAS ON PROPERTY**GEOLOGICALLY HAZARDOUS AREAS**

- ☒ Potential Landslide Hazard
- ☒ Erosion Hazard
- ☐ Seismic Hazard
- ☒ Steep Slope
- ☐ None

WATERCOURSES

- ☒ Type F
- ☐ Type Np
- ☐ Type Ns
- ☒ Piped
- ☐ Unknown

WETLANDS

- ☐ Category I
- ☐ Category II
- ☐ Category III
- ☒ Category IV
- ☐ Unknown

SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- ☒ **1. Development Application Form.** Provide a completed and signed [Development Application Form](#).
- ☐ **2. Pre-Application Meeting.** [Pre-Application Meetings](#) are required for Type III & IV Land Use Permit Applications.
- ☒ **3. Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- ☒ **4. Title Report.** Less than 30 days old.
- ☐ **5. Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary.
- ☐ **6. Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary, if applicable.
- ☒ **7. Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans.
- ☒ **8. Concurrent Review Form.** Provide a completed [Concurrent Review Form](#) if the applicant wishes to request consolidated review for two or more land use applications. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
- ☒ **9. SEPA Checklist.**
- ☒ **10. Fees.** Payment of required fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

Signature

Khilde

Date

9/17/2025

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later. Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For nonproject proposals complete this checklist and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal. For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Public Safety and Maintenance Facility

2. Name of applicant:

City of Mercer Island

3. Address and phone number of applicant and contact person:

Kellye Hilde, 206-275-7806, 9611 SE 36th Street 98040

4. Date checklist prepared:

September 17, 2025

5. Agency requesting checklist:

City of Mercer Island

6. Proposed timing or schedule (including phasing, if applicable):

Finalizing design through 2026 with construction beginning in late 2026. The project is anticipated to be completed by the end of 2029.

7. Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain:

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

- *Wetland and Stream Delineation Report, dated April 22, 2024*
- *Arborist Report, dated April 29, 2024*
- *City Hall Asbestos Assessment Report, dated August 11, 2023*
- *Site Characterization Report, Maintenance Shop UST Facility, dated April 15, 1992*
- *Site Investigation Report, dated 2016*
- Additional information that will be prepared for this project includes the following.
 - Geotechnical Report
 - Critical Areas Report

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

No.

10. List any government approvals or permits that will be needed for your proposal, if known:

- *Washington State Department of Fish and Wildlife Joint Aquatic Resource Permit Application (JARPA), if applicable*
- *Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA), if applicable*
- *Washington State Department of Ecology Construction Discharge Permit*
- *City of Mercer Island Public Agency Exception, if applicable*
- *City of Mercer Island Critical Area Review 2*
- *City of Mercer Island Site Development Permit*
- *City of Mercer Island Right of Way Permit, if applicable*
- *City of Mercer Island Building Permit*
- *City of Mercer Island Mechanical, Plumbing and Electrical Permits*

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project seeks to construct a new Public Safety and Maintenance Facility (PSM Facility) for the City of Mercer Island. The facility will house the Mercer Island Police Department, The Public Works Department, IT and GIS Departments, an Emergency Operations Center, a warehouse for public works materials and equipment, a vehicle maintenance shop, and general employee services. The facility also provides secure covered areas for the Mercer Island Police Department vehicle fleet, the Public Works vehicle fleet, a decant facility, a vehicle wash-bay, and uncovered site areas for Public Works materials and equipment storage and operations.

The facility includes approximately 70,100 gross square feet of enclosed and conditioned, or semi-conditioned space, along with approximately 85,550 gross square feet of overhead weathering cover in the form of roofs, overhangs, and canopies.

The facility is proposed to be located on previously developed parcels that are currently in active use for the proposed functions. The total gross area of the site is 592,061 square feet, or 13.59 acres.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your

proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal is located at 9601 and 9611 SE 36th Street, Mercer Island, Washington, 98040, SE-7-24-5.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (check one):

Flat ☐ Rolling ☐ Hilly ☒ Steep Slopes ☒ Mountainous ☐ Other ☐

- b. What is the steepest slope on the site (approximate percent slope)?

The site generally slopes downward from SE 40th Street along the south side of the project area to SE 36th Street to the north. The steepest section, with a 42% slope, is located in an isolated area on the southeastern portion of the site, as shown on the BRH survey dated May 15, 2024.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

According to NRCS mapping, the surface soils are classified as Kitsap silt loam:

- *Kitsap silt loam, 8–15% slopes in the western portion of the property.*
- *Kitsap silt loam, 2–8% slopes in the eastern portion.*

The specific soil types on parcel 265550-0075 remain unknown. For parcel 265550-0185, subsurface conditions were investigated only in a limited area, as documented in the Site Characterization Report for the City of Mercer Island Maintenance Shop UST Facility (Golder Associates, April 15, 1992). That report describes:

- *A surface layer of fill consisting of fine to coarse gravel and sand to a depth of about 3–5 feet.*
- *Native soils beneath the fill: fine to coarse sand with trace to some silt (upper unit), underlain at roughly 11–12 feet by stratified sand and silt with occasional clayey silt lenses (middle unit).*
- *A basal unit of clayey silt to silty clay, grading locally to silty sand or sandy silt near the north end of the site.*

These materials correspond to Unified Soil Classification System (USCS) groups such as SW/SM (well-graded to silty sands), CL/ML (clayey or silty soils), and locally GP/OL/GM (poorly graded gravel, organic silty or clay, silty gravel), as noted in the 1991 borings. Additional soil borings were completed and documented in the Site Investigation Report completed by Farallon Consulting in 2016.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are no visible indications of a history of unstable soils in the immediate vicinity. The City of Mercer Island's GIS web map includes the following designations on portions of the project site: Erosion, Seismic, Potential Landslide

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

The purpose of project excavation, fill, and regrading, is to remove unsuitable soils; establish stable surfaces for site improvements and structures; provide trenching for utilities; and create accessible pathways for vehicles, pedestrians, as well as functional routes and spaces for facility operations. The project anticipates cutting approximately 20,000 CY, utilizing approximately 12,000 CY from stockpile,

and importing approximately 24,000 CY. Select topsoil meeting applicable requirements will be stockpiled and reused, while excess material will be exported to a facility licensed to receive such materials.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The project will include the temporary disturbance of soils during excavation and site grading activities necessary for construction. The project will incorporate necessary BMP's and Temporary Erosion and Sediment Control (TESC) planning to mitigate potential runoff during construction activities.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 49% of the project site will be covered with structures and associated impervious surfaces such as parking areas and walkways.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

During construction, BMP's will be employed to minimize the amount of erosion and sediment potentially leaving the site. BMP's will be consistent with the City of Mercer Island erosion control standards and may include elements such as:

Erosion and sediment control plans developed and implemented in accordance with the Stormwater Management Manual for Western Washington. The plans could include elements for site stabilization, slope protection, drainage way protection, inlet protections, and sediment retention.

- *Silt fences may be used at site perimeters used to reduce runoff.*
- *Gravel base may be used to stabilize (future) paved areas. All other areas may be stabilized with other techniques including seeding and 4" straw mulch.*
- *Catch basin inserts may be used at catch basins that may receive sediment.*

A Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control Plan (TESC), meeting the requirements of the City of Mercer Island, would be developed and implemented as a part of the project.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

During construction, emissions will be generated by standard construction equipment and vehicles. Once operational, emissions will primarily result from vehicle trips to and from the PSM facility by its users. During operation and maintenance activities, which already occur on the site, standard fleet and service vehicles will also be present.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no known off-site sources of emissions or odors affecting this project.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Measures that may be incorporated during construction to minimize impacts to air quality include watering of construction surfaces to reduce airborne dust, other approved dust suppressants over exposed soils, temporary stabilization practices upon completion of grading, and covering materials in stockpiles on the site or during transport.

Vehicles may utilize wheel wash stations before leaving the construction site. Automobile emission

standards are regulated by the State of Washington.

3. Water

a. Surface:

- i. Is there any surface water body on or in the immediate vicinity of the site (including year- round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Wetlands and watercourses, as described in Chapter 19.07 MICC – Environment and defined in Chapter 19.16 MICC – Definitions, have been identified on the project site and documented in the Wetland and Stream Delineation Report for 9601 and 9611 SE 36th Street (Facet, April 22, 2024).

- ii. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The project proposes new impervious surfaces and structures, adjacent to the areas described in the delineation report. Reconstruction and expansion of one existing watercourse crossing is proposed, and one new watercourse crossing is proposed over an existing Type F stream; the crossing will be designed to comply with Washington State Department of Fish and Wildlife and City of Mercer Island water crossing design guidelines. Where conflicts between these critical areas, associated buffers, or building setbacks and proposed improvements occur, the site plan will be revised to comply with Chapter 19.07 MICC and submitted as part of the Critical Area Review 2 pursuant to MICC 19.07.040 and MICC 19.15.030.

- iii. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No filling or dredging will be placed in or removed from surface water or wetlands.

- iv. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

None proposed.

- v. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The project site is not located within a 100-year floodplain.

- vi. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No discharges of waste materials to surface waters are proposed.

b. Ground

- i. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No groundwater will be withdrawn for drinking water or other purposes, and no water will be discharged to groundwater.

- ii. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, [containing the following chemicals...]; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged to the ground. The site will be served by municipal sewer; no septic or other on-site systems are proposed.

c. Water runoff (including stormwater):

- i. Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater runoff is expected from on-site facilities such as rooftops and parking areas only. Vegetated areas are not expected to produce surface flow or runoff. Roof water will be directed to BMPs as required, with some volume captured for on-site reuse. Runoff from parking and operations areas will be captured via catch basins and routed to a water quality treatment BMPs, including Modular Wetlands, prior to discharge into the existing (piped) city stormwater system located beneath SE 36th Street.

- ii. Could waste materials enter ground or surface waters? If so, generally describe.

As with any site-related construction activity, runoff from the construction site has the potential to enter ground or surface waters. The projects TESC plan would be implemented to minimize runoff leaving the site during construction.

d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any:

Stormwater improvements for this project include areas of curb and gutter, vegetated swales, sloped to-drain paved areas, new catch basins and piped connections to the existing storm pipe network to convey runoff.

4. Plants

a. Check types of vegetation found on the site

- ☒ Deciduous tree: Alder, Maple, Aspen, other
- ☒ Evergreen tree: Fir, Cedar, Pine, other
- ☒ Shrubs
- ☒ Grass
- ☐ Pasture
- ☐ Crop or grain
- ☐ Wet soil plants: Cattail, buttercup, bulrush, skunk cabbage, other
- ☐ Water plants: Water lily, eelgrass, milfoil, other
- ☐ Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The project will carefully manage vegetation on the site in compliance with Chapter 19.10 MICC, removing only trees, shrubs, and grasses that conflict with planned improvements or are determined by a licensed arborist to be unhealthy or unstable. Wherever feasible, trees and other vegetation will be protected and retained. The exact quantities of vegetation requiring removal have not yet been determined.

c. List threatened or endangered species known to be on or near the site.

None are known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the

site, if any:

Project landscaping will feature native and climate-adapted plant species. Tree replacement will be provided as required pursuant to MICC 19.10.070. Invasive vegetation will be removed along wetlands and streams, with mitigation through the installation of native and climate-adapted plantings.

- e. List all noxious weeds and invasive species known to be on or near the site.

Blackberry (Himalayan), Creeping Buttercup, and English Ivy.

5. Animals

- a. State any birds and animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

Various small birds have been observed on or near the site. Mammals such as deer, squirrel, and rodents have been observed on or near the site.

- b. List any threatened or endangered species known to be on or near the site.

None are known to occur on or near the site.

- c. Is the site part of a migration route? If so, explain.

Mercer Island lies within the Pacific Flyway, a major north-south migratory route extending from Alaska to Mexico and South America. However, no element of the proposed project would alter or interfere with this migration corridor.

- d. Proposed measure to preserve or enhance wildlife, if any:

To preserve or enhance wildlife habitat, the project proposes removing invasive plant species within designated critical areas and mitigating those areas with native and climate-adapted plantings.

- e. List any invasive animal species known to be on or near the site.

None are known.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity will serve as the primary energy source for the completed project, supporting building heating and cooling, interior and exterior lighting, and electric vehicle charging infrastructure. The project will also incorporate solar power systems as required to meet Washington State Energy Code requirements in effect at the time of permitting. A diesel-powered backup generator will provide power to essential facilities during a power outage or emergency.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No. The proposal will not limit or interfere with the potential use of solar energy on nearby properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

The project includes the following energy conservation measures:

- Buildings are oriented with passive solar design strategies to reduce heating and cooling demand*

and increase systems performance.

2. Buildings and covered spaces incorporate skylights to provide daylighting to covered spaces and reduce required artificial illumination levels and durations.
3. Buildings incorporate thermal envelopes that meet or exceed Washington State Energy Code standards for the reduction of heat-loss and heat-gain, reducing the cooling and heating loads to increase system performance.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

Yes. Demolition of the existing City Hall and Public Works buildings—constructed in 1957 and 1981—could release asbestos-containing materials (ACMs) and other building-related hazardous substances if not properly managed. An Asbestos Assessment Summary, dated August 11, 2023, confirmed asbestos within the ductwork and attic air handling unit at City Hall.

Past uses at the Maintenance Facility included underground fuel storage and dispensing; a 1992 site characterization documented petroleum hydrocarbon impacts in groundwater associated with former underground storage tanks. While no contamination has been identified within the City Hall footprint, soils and groundwater in the maintenance area may contain residual petroleum products.

Construction will also involve standard fuels and lubricants for heavy equipment, which present a low spill risk if not properly controlled.

- i. Describe any known or possible contamination at the site from present or past uses.

Petroleum-impacted groundwater associated with historic underground fuel storage was identified on the Public Works parcel. No contamination has been documented on the City Hall parcel other than asbestos-containing materials inside the building.

- ii. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Above-ground fuel and propane storage tanks currently used for City vehicle and equipment fueling are located on site. No underground hazardous liquid or gas transmission pipelines are known within the project area or immediate vicinity. Any tank removal or decommissioning will comply with Washington State Department of Ecology regulations.

- iii. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

No toxic or hazardous chemicals are expected to be produced or stored in significant quantities during construction. Standard machine oils, fuels, and lubricants will be used for construction equipment. During operation, the facility will store limited amounts of unleaded gasoline, diesel fuel, and propane for City fleet and equipment, in accordance with applicable codes and safety standards.

- iv. Describe special emergency services that might be required.

No special emergency services are anticipated beyond routine fire protection and spill response already available on Mercer Island.

- v. Proposed measures to reduce or control environmental health hazards, if any:

- *Hazardous materials abatement: Complete a pre-demolition survey for asbestos, lead-based paint, PCBs, mercury, and other hazardous building materials. Abate or remove all identified materials prior to disturbance, in accordance with Puget Sound Clean Air Agency, EPA NESHAP, AHERA, DOSH/WAC 296-65, and City of Mercer Island*

requirements.

- *Fuel and tank management: Remove or decommission existing fuel and propane tanks in accordance with Washington State Department of Ecology underground/above-ground storage tank regulations. Maintain secondary containment for any active fuel storage.*
- *Petroleum-impacted soils: If stained soils, odors, sheens, or other evidence of contamination are encountered, implement a contaminated-media management plan (segregate, sample, characterize, and properly dispose at licensed facilities).*
- *Construction BMPs: Apply best management practices during construction, including spill-prevention kits, covered fueling areas, dust suppression, stormwater controls (SWPPP), and fire-prevention measures (e.g., extinguishers, hot-work permits).*
- *Training and oversight: Require contractors to prepare and follow a site-specific health and safety plan addressing hazardous materials, spill prevention, and emergency response.*
- *Waste handling: Dispose of asbestos, lead, PCB ballasts, mercury devices, petroleum-contaminated soils, and universal wastes at licensed facilities with appropriate manifests and chain-of-custody records.*

b. Noise

- i. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

There are no known major sources of noise which may affect the project. Ambient noise is primarily traffic related and will not affect the project.

- ii. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Construction of the project would require the use of a variety of heavy and light construction machinery and equipment. Construction activity will adhere to the City of Mercer Island noise ordinance requirements. During long-term facility operation, noise would be generated from vehicle and equipment use and would be similar in profile to noise currently generated by similar facility operations.

- iii. Proposed measures to reduce or control noise impacts, if any:

During construction, standard noise reduction equipment on heavy or light machinery will be utilized where required. During long-term operation, the potential gradual transition to electric vehicles and equipment may reduce on-site noise generation.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is currently occupied by the City of Mercer Island Police Department and Public Works Department, including fleet vehicles, equipment storage, and operations areas. Properties to the east and west contain a mix of commercial and residential uses. There are no active land uses immediately north of SE 36th Street. To the south, across SE 40th Street, the area is developed with residential housing. The proposal is not expected to adversely affect existing land uses on nearby or adjacent properties.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result

of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

No. The project site has not been used as working farmland or forest land, and it does not contain agricultural or forest land of long-term commercial significance. No acreage in farmland or forest land tax status will be converted to non-farm or non-forest use as a result of the proposal.

- c. Describe any structures on the site.

Existing structures on the site include:

- *Mercer Island City Hall (approximately 35,832 gross square feet).*
- *Public Works Maintenance and Operations Facility (approximately 15,347 gross square feet).*
- *Public Works yard sheds and outbuildings (approximately 12,200 gross square feet).*
- *Police Department trailer buildings (approximately 2,859 gross square feet).*

The site also contains asphalt-paved areas used for Public Works vehicle and equipment operations, along with approximately 182 parking spaces.

- d. Will any structures be demolished? If so, what?

Yes. All existing structures will be removed and replaced with new buildings and site improvements associated with the project.

- e. What is the current zoning classification of the site?

Parcel 2655500075 is zoned CO, and Parcel 2655500185 is zoned R-8.4 with a conditional use permit.

- f. What is the current comprehensive plan designation of the site?

Both parcels are designated Public Facility in the City of Mercer Island Comprehensive Plan.

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. The site is not located within a shoreline jurisdiction.

- h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.

Yes. The southern and western portions of parcel 2655500185 contain six Category IV wetlands and two Type F streams, along with their associated buffers and setbacks, which are considered environmentally sensitive areas under Chapter 19.07 MICC. No environmentally sensitive areas were identified on parcel 2655500075.

- i. Approximately how many people would reside or work in the completed project?

Approximately 123 staff members are expected to work in the completed project.

- j. Approximately how many people would the completed project displace?

None.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable. The project will not displace residents or businesses.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The City is applying to rezone the site to Public Institution (PI) to align with the Comprehensive Plan designation of Public Facility. The proposed use is consistent with both existing and planned land uses for the area.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable. The proposal does not include residential units.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable. No housing units will be removed as part of the project.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable. The project will not result in any housing impacts.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas? What is the principal exterior material(s) proposed?

The tallest height of the proposed structure is approximately 40 feet above relative grade-plane.

Principle exterior materials include metal box-rib panels, cast-in-place concrete, and mass timber and steel for structural components.

- b. What views in the immediate vicinity would be altered or obstructed?

None. The project is not expected to alter or obstruct views in the immediate vicinity.

- c. Proposed measures to reduce or control aesthetics impacts, if any:

The project design incorporates setbacks from public rights-of-way on SE 36th Street and includes landscaped areas fronting SE 36th Street. Mature vegetation along SE 40th Street is expected to remain. These elements will help soften the building's appearance and minimize visual impact

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The project is not expected to generate significant light or glare. Site lighting will primarily occur during evening and nighttime hours to illuminate parking areas, equipment and materials loading zones, and drive aisles.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Light or glare from the completed project is not anticipated to create safety hazards or interfere with surrounding views.

- c. What existing off-site sources of light or glare may affect your proposal?

None.

- d. Proposed measures to reduce or control light and glare impacts, if any:

New exterior lighting will be fully shielded and directed downward to minimize spillover and glare, consistent with the principles of Dark Sky-friendly design, such as those outlined by the International Dark-Sky Association. Ground-level exterior surfaces will use non-reflective finishes to further reduce glare potential.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Aubrey Davis Park and Gallagher Hill Open Space are located near the project site and provide a range of informal and designated recreational opportunities, including trails and open space for passive use.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No. The project will not displace or limit access to any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The project is not expected to affect recreation or recreational opportunities; therefore, no mitigation measures are proposed.

13. Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

There are no known building, structures, or sites, located on or near the site that are over 45-years old and that are listed, or eligible to be listed in national, state, or local preservation registers.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No professional cultural resource surveys have been conducted for the site, and no landmarks, artifacts, burials, or other evidence of historic or Tribal use have been identified to date. The site has been developed with municipal facilities since the 1950s, and no areas of known cultural importance are mapped in its vicinity. An inadvertent discovery protocol will be followed if any cultural resources are encountered during ground-disturbing activities.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

No formal assessment of potential impacts on cultural or historic resources has been completed for this project to date. Prior to ground-disturbing activities, the City will coordinate with the Washington State Department of Archaeology and Historic Preservation (DAHP) and consult with interested tribes to determine whether an archaeological survey or additional review is warranted. If any cultural materials, human remains, or archaeological deposits are discovered during construction, work in the area will stop, and DAHP and affected tribes will be notified immediately so that appropriate measures can be implemented before work resumes.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

No cultural or historic resources have been identified on the project site to date. To avoid or minimize potential impacts if such resources are discovered during ground-disturbing activities, the City will:

- *Pre-construction coordination: Consult with the Washington State Department of Archaeology and Historic Preservation (DAHP) and interested tribes prior to site grading to determine whether additional review or an archaeological survey is warranted.*
- *Unanticipated discovery plan: Include in the construction specifications an inadvertent-discovery protocol requiring that if archaeological materials, human remains, or other cultural resources are encountered, work in the area will stop, the find will be protected, and DAHP and affected tribes will be notified immediately.*
- *Qualified professional oversight: If warranted by consultation or site sensitivity, retain a professional archaeologist to monitor excavation or review discoveries.*
- *Permitting: Should archaeological materials or human remains be identified, work will not resume until appropriate approvals—such as an Archaeological Excavation or Removal Permit under RCW 27.53 are obtained and mitigation measures recommended by DAHP or tribes are*

implemented.

Documentation and reporting: Any confirmed resources will be documented in accordance with DAHP standards, and mitigation (avoidance, data recovery, or other measures) will be developed in consultation with DAHP and tribes.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site is served by SE 36th Street along its northern frontage. Currently, access is provided by two curb cuts on SE 36th Street: one on parcel 2655500075 and another on parcel 2655500185. The proposed site plan maintains access via the existing curb cut on parcel 2655500185 and relocates the curb cut on parcel 2655500075 to a new location along the same frontage to improve circulation and safety.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is not directly served by public transit. The nearest transit access is approximately 1.3 miles away, via a walk along the Mountains to Sound Greenway Trail, to a King County Metro bus stop and the future Sound Transit light rail station.

- c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

The project will provide approximately 112 parking spaces for staff and the public, along with 123 spaces dedicated to City vehicles serving police and fleet operations. It will also reconfigure existing asphalt-paved areas currently used for Public Works vehicle and equipment operations. The site presently contains about 182 parking spaces; some of these will be reallocated as part of the redevelopment, with the overall supply adjusted to meet both operational requirements and public parking needs.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The proposal will not require new public roads or major off-site improvements to existing streets, pedestrian, bicycle, or state transportation facilities. Site access will continue to be provided from existing City streets. Minor on-site circulation and parking improvements, such as drive aisles, sidewalks, and bicycle parking will be constructed within the project limits to support safe and efficient access for staff, visitors, and fleet vehicles. Any temporary traffic control needed during construction (e.g., flagging or short-term lane closures) will be coordinated with the City's Public Works Department to maintain safe passage for all roadway users.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project will not use, nor is it located in the immediate vicinity of any waterborne, rail, or air transportation facilities. It is situated within an established municipal campus in an urban area of Mercer Island, with access provided solely by existing public streets. No impacts to, or reliance on, marine, rail, or aviation transportation are anticipated during construction or operation.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

Based on the Institute of Transportation Engineers (Trip Generation Manual, 11th Edition), Land Use Code 730 – Government Office Building, the completed Public Safety and Maintenance project is

expected to employ approximately 123 staff. Using the ITE trip generation rate of 0.64 vehicle trip ends per employee during the weekday PM peak hour, the project is estimated to generate approximately 79 PM-peak-hour trips, compared with 71 trips from the existing facilities, for a net increase of about 8 trips during the PM peak hour.

Applying the ITE daily trip factor for government office buildings (approximately 8–9 daily vehicle trip ends per employee), the project is expected to generate on the order of 950–1,100 total vehicle trips per weekday, including both entering and exiting movements. Peak traffic volumes are anticipated during the weekday PM commuter period (4–6 p.m.), consistent with typical office uses.

Only a very small share of trips—estimated at less than 5%—would consist of trucks or other non-passenger/commercial vehicles, primarily City fleet and light-duty service trucks used for operations and maintenance. The analysis is based on ITE Trip Generation data for government office buildings and the trip calculations documented in the City's concurrency review.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

The proposal is located within an urbanized area of Mercer Island and does not lie on designated agricultural or forest product haul routes. The project will primarily serve municipal operations and is not expected to interfere with, or be affected by, the movement of agricultural or forest products on area streets. Any temporary traffic control measures during construction (e.g., flagging or short-term lane closures) will be coordinated to maintain access for all road users.

- h. Proposed measures to reduce or control transportation impacts, if any:

The project is expected to generate only a small increase in vehicle trips, approximately eight additional PM-peak-hour trips, compared to the existing use—well within the City's adopted level-of-service standards. Because transportation impacts are minimal, no major off-site improvements are warranted.

15. Public Services

- a. Would the project result in an increased need for public services (for example; fire protection, police protection, health care, schools, other)? If so, generally describe.

The project is not expected to create a significant increase in demand for public services. The proposed Public Safety and Maintenance (PSM) Building and Operations Building will consolidate and modernize existing City functions (police, public works maintenance, operations, GIS, and IT) rather than introduce new uses.

Because the project replaces existing facilities serving the same municipal functions, it will not generate new school enrollment or substantial new demand for health-care or other community services. The project will include design features and code compliance (e.g., fire/life-safety systems, building security) to support ongoing service delivery without straining local resources.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Because the project primarily replaces and consolidates existing municipal functions, no substantial new demand for public services is anticipated. Standard building and site design measures, such as fire and life-safety systems, adequate access for emergency vehicles, and security features will be incorporated to support safe and efficient operations. Routine coordination with Police, Fire, and Public Works during design and construction will ensure facilities meet service needs without creating additional burdens on local providers.

16. Utilities

- a. Check utilities currently available at the site:

Electricity ☒

Natural Gas ☒

Water ☒

Refuse Service ☒

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Telephone ☒Sanitary Sewer ☒Septic System ☐Other ☐

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Power provided by Puget Sound Energy, water supplied by City of Mercer Island and Seattle Public Utilities, sewer provided by City of Mercer Island, natural gas provided by Puget Sound Energy, refuse service provided by Recology, telephone provided by Lumen, and data provided by Comcast and King County.

C. SIGNATURE

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the answers to the attached SEPA Checklist are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Khilde

Date Submitted: 9/17/2025

SEPA RULES**SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; productions, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

[Statutory Authority: RCW [43.21C.110](#). WSR 16-13-012 (Order 15-09), § 197-11-960, filed 6/2/16, effective 7/3/16. Statutory Authority: RCW [43.21C.110](#) and [43.21C.100](#) [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-960, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW [43.21C.110](#). WSR 13-02-065 (Order 12-01), § 197-11-960, filed 12/28/12, effective 1/28/13; WSR 84-05-020 (Order DE 83-39), § 197-11-960, filed 2/10/84, effective 4/4/84.]

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov/cpd

**SEPA THRESHOLD OPTIONAL DETERMINATION OF
NON-SIGNIFICANCE (ODNS)**

NOTICE IS HEREBY GIVEN for the application described below:

Application No.:	SEP25-017	
Permit Type:	Type III	
Description of Request:	Review under the State Environmental Policy Act (SEPA) for the reclassification (rezone) of two City-owned properties from Commercial Office (C-O) and Single-Family Residential (R-8.4) to Public Institution (PI). Both sites are currently used for public services and are designated as Public Facility in the City's Comprehensive Plan. The rezone would also support the City's plan to construct a new Public Safety and Maintenance (PSM) Facility on the site, which is included in this SEPA Threshold Determination.	
Applicant:	Kellye Hilde, Public Works Deputy Director (City of Mercer Island) / City of Mercer Island	
Location of Proposal:	9601 & 9611 SE 36th St, Mercer Island, WA 98040 King County Assessor tax parcel number: 965550-0185; 265550-0075	
Lead Agency:	City of Mercer Island, Department of Community Planning & Development	
Project Documents:	Copies of all studies and/or environmental documents are available through the following link: https://mieplan.mercergov.org/public/RZN25-001	
Application Process Information:	Date of Application:	September 17, 2025
	Determined to be Complete:	September 19, 2025
	Bulletin Notice:	September 29, 2025
	Date of Mailing:	September 29, 2025
	Date of Sign Posting:	September 29, 2025
	Comment Period Ended:	5:00PM on October 31, 2025

The lead agency determined that the proposed development will not have a probably significant adverse impact on the environment. An environmental impact statement (EIS) is not required pursuant to RCW 43.21C.031(2). This decision was made after review of a completed environmental checklist and other information on file with the lead agency, including responses to public comments received during the public comment period,

prepared by the Applicant (Attachment A). This information is available to the public on request.

☐	There is no comment period for this DNS.
☒	This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
☐	This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by N/A at 5:00 PM.

Responsible Official: Molly McGuire, Senior Planner
molly.mcguire@mercerisland.gov | (206) 275-7712

Issued Date: November 3, 2025

Signature: /s/ Molly McGuire, Senior Planner

APPEAL INFORMATION

This decision to issue a Determination of Non-significance (DNS) rather than to require an EIS may be appealed pursuant to Section 19.21 of the Mercer Island Unified Land Development Code, Environmental procedures.

☒	Any party of record may appeal this determination to the City Clerk at 9611 SE 36 th Street, Mercer Island, WA 98040 no later than <u>5pm on November 17, 2025</u> by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify, or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria.
☐	There is no agency appeal.

Applicant Response to Public Comments

RZN25-001 and SEP25-017

This document responds to public comments on the City’s rezone application (RZN25-001) for Parcels 2655500075 and 2655500185 and the SEPA Checklist (SEP25-017). Responses cite the Mercer Island Comprehensive Plan ([Ordinance 24C-16](#)) and the Mercer Island City Code (MICC), including [MICC 19.15.240](#) (Reclassification of property), [Chapter 19.07 MICC](#) (Environment), [Chapter 19.10 MICC](#) (Trees), and applicable [Chapter 19.11 MICC](#) design standards required for Public Institution (PI) development under [MICC 19.05.010\(C\)](#).

RZN25-001 PUBLIC COMMENTS

1. Existing use is a detriment to the neighborhood: The site is currently being used as a maintenance facility, and the City has failed to maintain this property to the standards expected in a residential neighborhood. The property is poorly maintained and has become a visual blight—a black eye on our otherwise well-kept residential area. Facilities and overgrowth visible from SE 40th St. are entirely inconsistent with the residential character our neighbors work hard to maintain. This substandard maintenance has already depreciated surrounding property values and diminished our neighborhood's appeal. The proposed rezone will only further diminish property values.

Applicant Response:

The proposed rezone is consistent with the Comprehensive Plan and the approval criteria of [MICC 19.15.240\(C\)](#). Both parcels (2655500075, 2655500185) are designated Public Facility on the Future Land Use Map ([Ordinance 24C-16](#), Land Use Element, pp. 101-102), identifying civic and institutional uses such as City Hall, public safety facilities, and municipal operations. Rezoning to PI aligns zoning with this adopted designation and the site’s long-standing civic use.

The Public Safety and Maintenance (PSM) Facility will improve facility and site conditions by replacing aging buildings and reorganizing yard space for City vehicles and materials to:

- Improve operational efficiency with well-designed storage and circulation areas for large vehicles, equipment, and materials;
- Provide covered storage, improved lighting, security, and landscaping to screen parking and yard areas;
- Incorporate outdoor staff amenity spaces and pedestrian connections;
- Construct new facilities and yard structures that incorporate high-quality architectural detail with materials that are easily maintainable; and
- Utilize grade changes, retaining walls, material enclosures, and screening vegetation to visually and audibly screen site activities.

These improvements will significantly enhance the property’s appearance, functionality, and compatibility with the surrounding neighborhood, directly addressing maintenance concerns raised by residents.

Although the site is outside the Town Center, development within the PI zone must comply with the design standards of [Chapter 19.11 MICC](#), as required by [MICC 19.05.010\(C\)](#). This ensures that the PSM Facility is held to the same design standards intended to ensure compatibility, pedestrian orientation, and a human-scale built environment.

In accordance with [MICC 19.11.010\(D\)](#):

- **Design Vision:** New or redeveloped facilities should enhance the public realm, provide a sense of place, and incorporate landscaping, architectural detailing, and pedestrian connections.
- **Function:** The design must support accessibility and circulation for pedestrians, bicyclists, motorists, and service vehicles while reflecting a high-quality civic character.
- **Site Features:** Public amenities, greenery, and architectural treatments will help the facility fit sensitively into its setting and maintain a human scale.
- **Pedestrian Orientation:** Site layout and circulation will prioritize safe and convenient pedestrian movement and integrate opportunities for alternative transportation.

Through these requirements, the PSM Facility will be designed to meet the City's standards for high-quality civic development. The project will balance operational needs with context-sensitive site and building design, landscaping, and environmental performance measures consistent with the Comprehensive Plan's goal of providing efficient, durable, and well-maintained public facilities.

2. **Preference for residential development:** These parcels were originally zoned residential for good reason—they are located within an established residential neighborhood. I strongly prefer that this property be developed with homes per the original zoning intent. Residential development would enhance our community, maintain property values, increase the tax base through private ownership, and restore the neighborhood cohesion that has been disrupted by the current industrial use. The City should not be permitted to permanently convert residential land to industrial use simply because it has been operating a facility there, particularly when that facility has been poorly maintained.

Applicant Response:

While one parcel is currently zoned R-8.4, both parcels are designated Public Facility in the Mercer Island Comprehensive Plan, the City's 20-year policy document that guides future land use and development decisions. This designation reflects the long-standing civic use of the property and the City's intent for the site to continue accommodating municipal and public safety services.

Pursuant to [MICC 19.15.240\(C\)\(1\) and \(2\)](#), rezoning the parcels to PI implements the Comprehensive Plan by aligning zoning with the adopted land-use designation and ensuring that the property continues to serve essential public functions. Redeveloping the site with single-family housing would directly conflict with the City's long-range land-use map and limit the City's ability to provide critical emergency, public safety, maintenance, and operational services from a centralized, purpose-built facility.

As noted in Response 1, PI projects must also meet applicable [Chapter 19.11 MICC](#) design standards as required by [MICC 19.05.010\(C\)](#).

3. **Retroactive legitimization of non-conforming use:** This rezoning application appears to be an attempt to retroactively legitimize a use that may not currently conform to the property's residential zoning. The City should not reward its own non-compliance by granting a rezone. If the current use violates R-8.4 residential zoning requirements, the proper remedy is to relocate the facility to appropriately zoned land and restore this property to residential use—not to change the zoning to accommodate an existing violation. Allowing retroactive rezoning to legitimize potentially non-conforming uses sets a dangerous precedent that undermines the integrity of our zoning code and eliminates protections for residential neighborhoods.

Applicant Response:

The proposed rezone is to align the zoning map with the City's long-standing Comprehensive Plan designation and lawful approvals for the site's current use.

The maintenance facility at 9601 SE 36th Street (Parcel No. 2655500185) was established through a Conditional Use Permit (CUP 7910-001) approved by the City of Mercer Island Planning Commission and City Council in November 1979. The facility was expressly authorized under the R-8.4 Residential zoning district, which at that time allowed public utility and governmental buildings as conditional uses. The Planning Commission staff report, Design Commission minutes, and Council action ([Bill No. 883](#)) confirm that the project met all applicable development standards, including setbacks, height limits, lot coverage, landscaping, and access requirements.

Since its approval, the facility has continuously operated as a lawful public use under that permit. It is therefore not a non-conforming use, but a permitted one consistent with the City's prior zoning code and CUP conditions.

The proposed rezone to PI is a legislative correction that brings the zoning map into conformity with the Public Facility designation established in the Comprehensive Plan ([Ordinance 24C-16](#)). Pursuant to [MICC 19.15.240\(C\)\(4\)](#), such action is a lawful policy-based reclassification that implements the City's adopted land use vision for long-term civic and institutional use of these parcels—not a site-specific action designed to cure a violation, even if there was one.

In summary, the rezone formalizes existing, legally established City operations on land that has served as a public works facility for more than four decades. It does not reward any alleged non-compliance or set precedent for zoning exceptions; rather, it ensures consistency between the Comprehensive Plan, zoning map, and long-approved public use.

4. **Incompatibility with residential character:** The proposed rezoning would permanently authorize industrial-scale operations in a purely residential zone. Maintenance facilities generate significant noise from heavy equipment, vehicles, machinery, power tools, and backup alarms beginning in early morning hours when crews depart for daily operations. As nearby residents have already experienced, this activity directly conflicts with the quiet residential character our neighborhood was designed to maintain. Rather than formalizing this incompatible use, the City should restore the property to its intended residential purpose.

Applicant Response:

The proposed rezone and use are compatible with surrounding land uses under the criteria of [MICC 19.15.240\(C\)\(5\)](#). As discussed in Responses 1, 2, and 3, both parcels have long supported lawful civic functions that serve the entire community. The existing maintenance facility was approved under a Conditional Use Permit (CUP 7910-001) in 1979 and has operated continuously since that time as a permitted public use. Rezoning to Public Institution (PI) does not introduce a new or intensified activity; it aligns the zoning map with the Public Facility designation in the Comprehensive Plan and the site's historic and intended civic role.

Development within the PI zone must comply with [MICC 19.05.010\(C\)](#) and the applicable sections of [Chapter 19.11 MICC](#) (Design Standards). These provisions apply City-wide to ensure civic facilities meet consistent expectations for site layout, building form, and compatibility, even when located outside the Town Center. Standards addressing building placement, modulation, screening, lighting, and pedestrian circulation will guide project design to minimize potential impacts on adjacent homes and maintain a well-screened edge along SE 40th Street.

Operations at the facility will remain municipal in nature, limited to City fleet vehicles, equipment, and staff. These activities are regulated by City noise, traffic, and environmental codes. Collectively, the proposed rezone and required design standards will ensure the property functions efficiently for civic purposes while maintaining a compatible relationship with surrounding residential uses.

5. **Adverse property value impacts: Research consistently demonstrates that industrial and utility facilities adjacent to residential properties decrease surrounding home values by 5-10%. The current maintenance facility—with its poor upkeep, heavy vehicle traffic, equipment storage, and industrial operations—has already created negative externalities that diminish the desirability and market value of neighboring homes. Granting this rezone would permanently codify these impacts rather than correcting them. Conversely, developing the property with quality residential homes would enhance property values throughout the neighborhood.**

Applicant Response

Concerns regarding compatibility and neighborhood character are addressed in Responses 1, 2 and 4. Property values, however, are not a decision criterion under [MICC 19.15.240](#). The City's review obligation is to demonstrate that the proposed PI zoning is consistent with the Comprehensive Plan and compatible with surrounding land uses under [MICC 19.15.240\(C\)\(1\), \(5\), and \(6\)](#).

Both parcels are designated Public Facility in the Comprehensive Plan, which identifies the site for civic and institutional functions that benefit the entire community. Rezoning to PI aligns zoning with this adopted designation and enables construction of a PSM Facility that consolidates essential City services.

Providing well-designed public facilities that improve operational efficiency and emergency responsiveness represents a community-wide public benefit that serves all Mercer Island residents. While the City does not pursue zoning changes to affect private property values, this rezone fulfills the public purpose of maintaining reliable, efficient, and accessible City services consistent with the

Comprehensive Plan's goals for public health, safety, and welfare ([Ordinance 24C-16](#), Land Use Element, p. 101- 102 and Capital Facilities Element, pp. 183–185).

6. **Increased traffic and safety concerns:** The maintenance facility generates substantial daily truck traffic, including large municipal vehicles, equipment haulers, and service trucks. This heavy vehicle presence on residential streets poses safety risks to children, pedestrians, and local traffic patterns while degrading road conditions. Residential development would generate normal neighborhood traffic patterns consistent with surrounding properties and far less disruptive than industrial operations.

Applicant Response

A transportation analysis included in the SEPA Checklist ([SEP25-017](#), section 14.f) estimates approximately eight additional PM-peak-hour trips compared with existing operations - an increase well within City concurrency standards ([Chapter 19.20 MICC](#)). The proposed access will remain on SE 36th Street, maintaining existing circulation patterns and avoiding neighborhood cut-through traffic on SE 40th Street.

As described in Responses 1 and 4, development within the PI zone is subject to the design and access standards of [MICC 19.05.010](#) and applicable sections of [Chapter 19.11 MICC](#). These requirements ensure that site circulation, frontage improvements, and access points are designed to maintain safe and efficient operations for pedestrians, vehicles, and service equipment.

Final permits will include detailed review of frontage and access design to confirm compliance with applicable City standards and to maintain neighborhood safety.

7. **Environmental and quality of life impacts:** The SEPA review identifies probable significant adverse environmental impacts. Maintenance facilities typically involve fuel storage, chemical handling, equipment washing operations, and outdoor material storage—all of which are inappropriate adjacent to residential properties and may pose long-term environmental and health concerns. The fact that these operations may already be occurring—and that the City has failed to properly maintain the site—does not justify making them permanent through rezoning.

Applicant Response

The SEPA Checklist ([SEP25-017](#), sections 3 and 7) did not identify any probable significant adverse environmental impacts associated with the proposed rezone or redevelopment. The checklist and supporting technical studies - including the Wetland and Stream Delineation Report (Facet, April 22, 2024)—found that all potential impacts can be mitigated through standard measures required under [Chapter 19.07 MICC](#) (Environment), [Chapter 19.10 MICC](#) (Trees), and state environmental regulations in WAC 197-11 (SEPA Rules).

Fuel storage, chemical handling, and vehicle maintenance activities will be conducted in compliance with state and local environmental requirements. Any above-ground or underground storage tanks will be permitted, managed, or decommissioned consistent with the Washington State Department of Ecology (Ecology) standards for hazardous materials management and spill prevention. The new

facility will include designated, contained areas for vehicle washing, equipment storage, and material handling designed to prevent runoff and protect nearby critical areas and groundwater.

Under the new PI zoning, site redevelopment will trigger full environmental and building permit review, ensuring compliance with [MICC 19.07.090](#) (Critical Area Review 2) and Ecology's Stormwater Management Manual for Western Washington. The project will include stormwater treatment, detention, and spill-control systems that comply with current City and Ecology standards.

The rezone does not authorize site operations or exempt the property from environmental regulation. Future construction and facility use will remain subject to City, state, and federal environmental review to ensure all activities are properly contained and managed. These reviews will ensure the redeveloped site meets current environmental and public health requirements.

8. **Alternative sites available for city operations:** The City owns other properties already zoned for public or commercial use that would be appropriate for maintenance facility operations. If the City requires this facility, it should be relocated to properly zoned land. These residential parcels should be made available for their intended use—residential development. The City could even sell the property to recover costs and reduce its maintenance burden while allowing private homeowners to develop quality residences that enhance rather than detract from our neighborhood.

The City does not own other property that is zoned for public or commercial use that is appropriate for public safety and maintenance facilities. The City proposes to continue using its existing, City-owned municipal campus for the PSM Facility. This site has long served as the location for City Hall and Public Works operations and is already developed and equipped for municipal use.

As described in Responses 1 and 2, both parcels are designated Public Facility in the Comprehensive Plan ([Ordinance 24C-16](#)), which identifies this property for civic and institutional functions. Rezoning to PI aligns the zoning map with that adopted designation and provides a consistent regulatory framework for redevelopment.

The proposal is supported by Goal 1 of the Comprehensive Plan's Capital Facilities Element (pp. 183–185), which emphasize providing public facilities in a fiscally responsible and cost-effective manner. Using existing City property avoids the need for land acquisition or relocation of infrastructure while modernizing facilities that serve the entire community.

9. **Facility expansion concerns:** The application notes plans to "construct a new Public Safety and Maintenance (PSM) Facility on the site." This suggests not merely continuing existing operations, but potentially expanding them. Any such expansion would further intensify the incompatible industrial use in our residential neighborhood, increase the visual blight, and compound the negative impacts we already experience.

Applicant Response

The proposed PSM Facility will replace and consolidate existing City functions that already operate from the site. It does not expand the scope or intensity of municipal operations beyond their current

civic purpose. The new facility is designed to improve efficiency, safety, and long-term reliability of essential services by replacing aging and undersized buildings that no longer meet operational needs.

As described in Responses 1 and 2, both parcels are designated Public Facility in the Mercer Island Comprehensive Plan ([Ordinance 24C-16](#)), which identifies this site for civic and institutional use. The rezone to PI aligns zoning with this adopted designation and provides a consistent regulatory framework for redevelopment.

Redevelopment of the site will occur through the City's standard permit process and will be subject to all applicable development, environmental, and design standards under [Title 19 MICC](#). These requirements ensure that site layout, building scale, landscaping, and operations are reviewed to maintain compatibility with surrounding properties.

- 10. Double standard:** It is particularly troubling that the City, which enforces strict maintenance and appearance standards on residential property owners, has failed to maintain its own property to acceptable standards in our neighborhood. Private residents face fines and citations for far less egregious violations than what the City has allowed on this property. If the City cannot maintain this property to residential neighborhood standards, it should not own property in residential zones.

[Applicant Response](#)

As noted in Response 3, the existing maintenance facility was lawfully established under Conditional Use Permit (CUP 7910-001) approved in 1979 and has operated as a permitted civic use since that time. City-owned properties are subject to the same maintenance, environmental, and development regulations as any other property. Redevelopment under the Public Institution (PI) zone will require full compliance with applicable building, environmental, and design standards. Construction, operations, and site maintenance will continue to be reviewed and inspected through the City's established permitting and code-enforcement processes to ensure consistent compliance with City regulations.

- 11. Request for denial and residential restoration:** I respectfully urge the Planning Commission to deny this reclassification request and direct City staff to:

- Investigate whether current operations comply with R-8.4 residential zoning requirements
- Identify alternative sites that are appropriately zoned for maintenance facility operations
- Develop a plan to relocate this facility to a non-residential location
- Restore the subject property to residential use through sale or development of single-family homes consistent with surrounding properties

[Applicant Response](#)

As noted in Response 3, the existing maintenance facility was lawfully established under Conditional Use Permit (CUP 7910-001), approved by the City Council in 1979. The permit authorized public utility and governmental uses within the R-8.4 zone and confirmed that the facility met all applicable development standards in effect at that time. The site has operated continuously as a permitted civic use and remains in compliance with that approval.

City staff also investigated whether alternative locations could accommodate public works and public safety operations as part of the PSM Facility pre-design process. That analysis determined there were

no feasible alternative sites on Mercer Island that met the operational, access, and land area requirements necessary for these essential municipal functions.

The comment's proposal to relocate operations or redevelop the site for residential use is not consistent with the Comprehensive Plan ([Ordinance 24C-16](#)), which designates both parcels as Public Facility for long-term civic and institutional use. As discussed in Responses 1, 2, and 3, the site has long served as a lawful and essential civic facility. Rezoning to PI aligns the zoning map with this adopted designation and ensures the property remains available for the continued delivery of critical City services consistent with adopted land use policy.

The rezone also ensures that any future redevelopment is reviewed under current design, environmental, and permitting standards, maintaining compatibility with the surrounding neighborhood and improving site conditions over time.

12. **Alternate proposal suggestion: I would however be willing to entertain a revised rezone that provides residential properties continuously along SE 40th St. and a public walking/bike path from SE 40th for neighborhood access to city hall and surrounding businesses and the bike trail (especially now that the JCC has closed the trail that used to exist next to the JCC). Converting a small amount of Parcel 9601 to actual residential properties would raise funds for the project and better align with the original intended use, significantly increasing the quality of the neighborhood.**

Applicant Response

The suggestion to redevelop a portion of the site for residential use is not consistent with the Comprehensive Plan. Both parcels are designated Public Facility, reflecting the City's intent for long-term civic and institutional use.

As noted in Responses 1, 2, and 11, rezoning to PI aligns the zoning map with this adopted designation and supports continued use of the property for essential public services. Converting any portion of the site to residential use would conflict with this designation and with the City's capital planning goals.

Opportunities for improved pedestrian and bicycle connections will be reviewed during site design to ensure safe and accessible circulation consistent with the City's adopted [Pedestrian and Bicycle Facilities Plan \(2010\)](#). In addition, construction of new sidewalks and connections along SE 36th Street will occur as part of the upcoming [Water System Improvement Project](#), and further evaluation of multi-modal (bike, pedestrian, and vehicle) improvements will be undertaken through the City's annual [Transportation Improvement Program](#) (TIP) process. These planned improvements will enhance access and connectivity for nearby residents while supporting the site's long-term public use.

13. **What set back or greenbelt do you envision between the hoped for redevelopment and our residential homes? It would be great if we didn't have to look directly at the comings and goings and had a green shield of existing trees in the setback to protect our view.**

Applicant Response

As described in Responses 1, 2, and 4, development within the PI zone is subject to the design standards of [MICC 19.05.010](#) and applicable sections of [Chapter 19.11 MICC](#) (Town Center Development and Design Standards). These provisions establish site layout, building form, landscaping, and pedestrian circulation standards intended to ensure high-quality civic design and compatibility with surrounding uses.

Pursuant to [MICC 19.11.030\(A\)\(6\)](#), no minimum setbacks are required, except along public rights-of-way where space must be provided for sidewalks and landscaping. Along SE 36th Street, structures must be set back to provide at least 12 feet of sidewalk between the building and the curb, with additional setback encouraged for landscaping or pedestrian features.

Due to the presence of steep slopes and critical areas along the southeast, south, and southwest portions of the site, the City is limited in where development can occur, resulting in natural buffers along those property edges. Together, these design standards, natural site constraints, and the City's landscaping and tree retention requirements will ensure a visually compatible and well-landscaped transition between future PI development and adjacent residential properties.

SEP25-017-001 PUBLIC COMMENTS

1. The applicant proposes to increase impervious surfaces, reconstruct and expand one overwater structure, and construct one new overwater structure over a Type F stream. Given the proximity of these developments to a wetland associated with the unnamed tributary to Lake Washington, which is known for salmonids utilizing this area, several concerns arise. The Department is concerned that reducing buffer distance at this location may adversely impact fish and their aquatic habitat (WAC 220-660-100).
 - Per the Department's management recommendations, the provided materials must document the average bankfull width of the channel in the project reach and include hydraulics. We request to see the critical areas report and the hydraulic analysis once they are prepared.
 - We require side profiles to be included in the plan set for the new structure. The new structure is necessary to meet the fish passage structure criteria, including unimpeded fish passage, as well as convey the 100-year flow and associated debris (WAC 220-160-200).
 - WDFW would prefer the new structure design be changed to a bridge if possible (WAC 220-660-190 & 200). Although initial costs may be higher, it will save money over time with lower maintenance costs and will not become a barrier for fish in the future.
 - If the mitigation sequence (WAC 197-11-768) is assessed and avoidance of impacts is infeasible, then, considering the benefits lost from mature tree removal, and to fulfill no-net-loss requirements, we recommend a minimum of a 4:1 replacement ratio to mitigate the buffer reduction and tree removal. We also recommend planting native coniferous tree species near the stream to maximize shade. If cutting down trees is part of the plan, we would like to see them utilized on site, such as for making benches, fencing, or Large Woody Material (LWM) in the wetland system.

- Due to its proximity to a regulated stream and given the two water crossing structures, this project will require an HPA. Consequently, we encourage people planning hydraulic projects to submit a general concept (pre-application) for review through the Aquatic Protection Permitting System (APPS). At any stage of the planning process, you may contact your local habitat biologist, Maria McNaughton (maria.mcnaughton@dfw.wa.gov or 360-890-2975), to ask questions and get feedback on project design and compliance with WAC 220-660 (the Hydraulic Code).

Applicant Response

WDFW's comments are consistent with the intent of [MICC 19.07](#) (Environment), which requires protection of critical areas, fish and wildlife habitat, and compliance with state and federal regulations. Several of the Department's recommendations go beyond the City's adopted requirements and will be reviewed for consistency with applicable City and state codes during permitting.

- Hydraulics / bankfull width documentation: [MICC 19.07.110](#) requires a critical area study prepared by a qualified professional using best available science consistent with the standards in the Washington Administrative Code [WAC Chapter 365-195](#). The study will evaluate site conditions and provide the level of detail necessary to demonstrate compliance with City and state standards.
- Side profiles and fish passage design: The City acknowledges WDFW's requirement under [WAC 220-660-200](#) for side profile drawings to demonstrate compliance with fish passage and hydraulic design criteria. Side profiles will be included in the final plan set for the proposed replacement structure to illustrate invert elevations, streambed alignment, slope, and hydraulic capacity to convey the 100-year flow and associated debris. These drawings, along with plan and cross-section views, will ensure the project meets WDFW fish passage and hydraulic performance standards and will be provided with the submittal for Hydraulic Project Approval (HPA) review.
- Bridge preference: The City's code allows bridges or culverts provided they comply with applicable standards under [MICC 19.07.180\(D\)\(1\)](#) and [WAC 220-660-190](#). The selection of structure type will be based on site conditions, engineering feasibility, and regulatory compliance.
- Tree replacement and buffer mitigation: Mitigation for buffer or tree impacts will follow the requirements of [MICC 19.07.100](#) (Mitigation Sequencing), [MICC 19.07.180\(E\)](#) (Watercourses), [MICC 19.07.190\(E\)](#) (Wetlands), and [Chapter 19.10 MICC](#) (Trees). These provisions require avoidance, minimization, and compensatory mitigation sufficient to achieve no net loss of ecological function.
- Hydraulic Project Approval (HPA): As required by [MICC 19.07.030\(B\)](#) and [WAC 220-660](#), an HPA will be obtained for any work in or over regulated waterbodies. Coordination with WDFW will occur as part of that permitting process.

The project will comply with all applicable environmental regulations under [Chapter 19.07 MICC](#), [Chapter 19.10 MICC](#), and [WAC 220-660](#). Recommendations from WDFW that extend beyond these

requirements will be considered within the context of adopted City and state standards but are not mandatory unless required by law or regulation.

2. The property is listed by Ecology as a contaminated Site (Mercer Island Public Works Site, Cleanup Site ID 8968). The Site was enrolled in Ecology's Voluntary Cleanup Program (VCP) in 2004 (VCP NW1365) at the initiation of the Site cleanup process; however, the Site was terminated from the VCP in 2007 due to cleanup inactivity. Petroleum contamination has been confirmed in soil and groundwater at the Site due to releases from former underground storage tanks (USTs) (LUST ID 973). Cleanup of the Site has not been completed, and contamination remains present on the property. Information for this Site can be found on Ecology's Mercer Island Public Works Site Webpage.

- Ecology recommends the proposal include the cleanup of the Site under the Model Toxics Control Act (MTCA), WAC 173-340, to address the known soil and groundwater contamination present on the property. Since the contaminants on the property are petroleum-related, Ecology recommends cleaning up the Site through the Washington Pollution Liability Insurance Agency (PLIA). PLIA assists tank owners, operators, and property owners with petroleum-related Site cleanup under their Technical Assistance Program (TAP).
- Ecology recommends working with PLIA to develop a contingency plan to address contaminated media and to complete Site cleanup prior to and during construction activities. PLIA's TAP Fact Sheet can provide more information regarding Site cleanup. If an unknown UST is encountered during demolition activities, it must be decommissioned in accordance with local fire department regulations.
- Ecology strongly recommends working with an environmental professional to assist with regulatory compliance requirements. The environmental profession can also assist with UST decommissioning (if needed). If PLIA determines that the Site is not eligible for their TAP, the environmental professional can assist in enrolling the Site into Ecology's VCP.

Applicant Response

The City is fully aware of the historic contamination at the site and has been actively working to bring the property into compliance. The City has retained Farallon Consulting, a third-party environmental consultant, to complete site investigations, remedial clean-up actions and coordinate with the Washington State Department of Ecology. Extensive data collection and research have been completed to characterize the extent of contamination as well as significant clean up actions and techniques.

The City is currently implementing remediation efforts in accordance with applicable state requirements and is committed to achieving full regulatory compliance. Cleanup activities are progressing toward site closure in coordination with Ecology, with project closeout anticipated in the near future.



TO: Mercer Island Planning Commission Members

FROM: Bio Park, City Attorney

DATE: September 26, 2025

RE: Quasi Judicial Proceeding of Site Specific Rezone Application

Planning Commissioners:

At the September 16, 2025 City Council Meeting, the City Council authorized the City Manager to pursue a rezone of the City Hall and Public Works parcels ("Parcels"). The rezone process includes review and recommendation by the Planning Commission ("PC"). The purpose of this memo is to provide you with a basic explanation and a simple list of "dos and don'ts" in preparation of the rezone application review.

The Public Works Department submitted an application last Wednesday (9/17/25) to rezone the Parcels to Public Institution (PI) based on the site layout of the Public Safety and Maintenance Facility. The application will be processed by CPD, and will be reviewed by the PC. The PC will hold a public hearing, after which, it will send a recommendation to the City Council for final review and decision.

This rezone application is "site specific," as opposed to "area wide," because it involves a small number of contiguous parcels that are all owned by the City. Unlike area wide rezones, which are legislative, site specific rezones must be reviewed and decided through a quasi-judicial proceeding.

Quasi-judicial proceedings are "court-like" or "almost judicial" proceedings where the decision maker determines the legal rights, duties, or privileges of specific parties in a hearing or other contested proceedings. In this case, the decision makers will be the PC and City Council, who will determine whether the City, as applicant and owner of the Parcels, has the legal right to have the Parcels rezoned.

The PC will review and issue a recommendation on the rezone application as a quasi-judicial body. And as a quasi-judicial body, the PC will be subject to the Appearance of Fairness Doctrine ("Appearance of Fairness"). In a nutshell, Appearance of Fairness requires the proceedings to be conducted in ways that are fair and unbiased both in fact as well as

appearance. It prohibits the decision maker from prejudging the decision; being biased against a party; having a personal conflict of interest; and being partial in any other way.

Another very important aspect of Appearance of Fairness is the restriction on ex parte communications. Under RCW 42.36.060, during the pendency of a quasi-judicial proceeding, no member of a decision making body may engage in ex parte (one sided only) communications with opponents or proponents with respect to the proposal which is the subject of the proceeding.

Ex parte communication covers verbal and all forms of written communication. This restriction is to ensure that the recommendation issued by the PC as a quasi-judicial body is based solely on the evidence in the record and applicable legal criteria for granting or denying a rezone. Engaging in ex parte communication in violation of Appearance of Fairness may result in disqualification from participating in the proceeding, and invalidation of the final decision of the City's rezone application.

The following is a list of recommendations to comply with Appearance of Fairness and to avoid ex parte communications:

- Do not initiate communications substantively discussing the rezone of the Parcels with anyone, including the public, staff and City Manager, Councilmembers, and other PC members.
- If approached by someone wishing to discuss the rezone, decline and explain to them that because the rezone is site specific and quasi-judicial, you are prohibited by law from discussing it outside the formal proceeding. Direct them to the City Clerk for information on how they can participate in the proceeding.
- Avoid reading social media postings, news articles, editorials, or other materials about the rezone of the Parcels, unless they are part of the record. The record will be provided once the rezone application comes before the PC.
- If, during the pendency of the rezone application, you receive any email, text, letter or other form of written communication that includes substantive mention of the rezone, forward it to the City Clerk, so it can be made part of the record.
- There are exceptions that may excuse an ex parte communication should it occur unavoidably. Should it occur, please inform me.

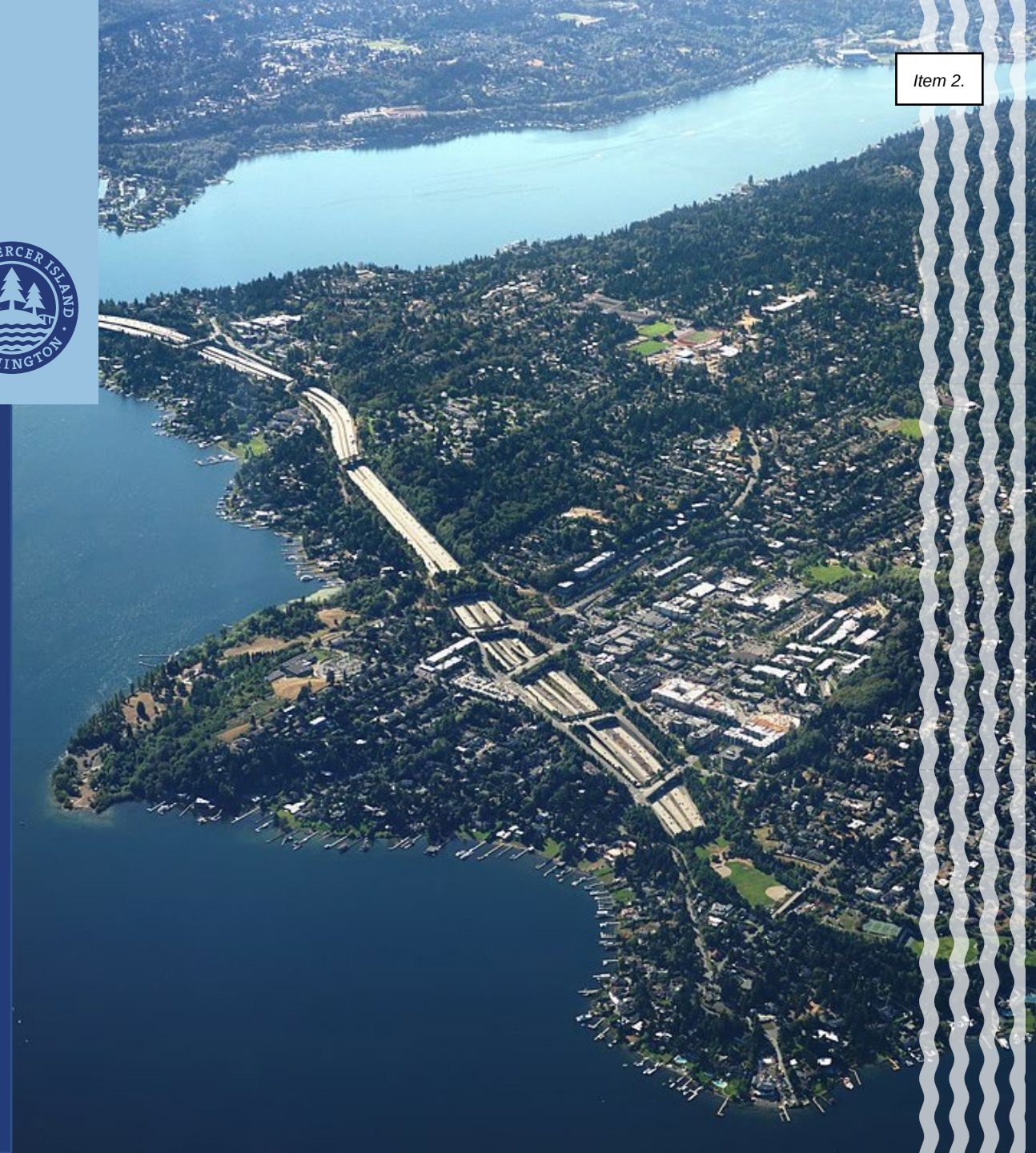
I will be supplementing this memo, if necessary, with more information and additional best practices recommendations as the application makes its way to the PC. But for now, please be cognizant of, and focus on avoiding ex parte communications.

If you have procedural questions about the quasi-judicial proceeding covered in this memo, please contact me. Thank you very much.

PCB25-20: Rezone of Two City-Owned Properties



Item 2.



Molly McGuire, Senior Planner
Planning Commission
November 19, 2025

Process

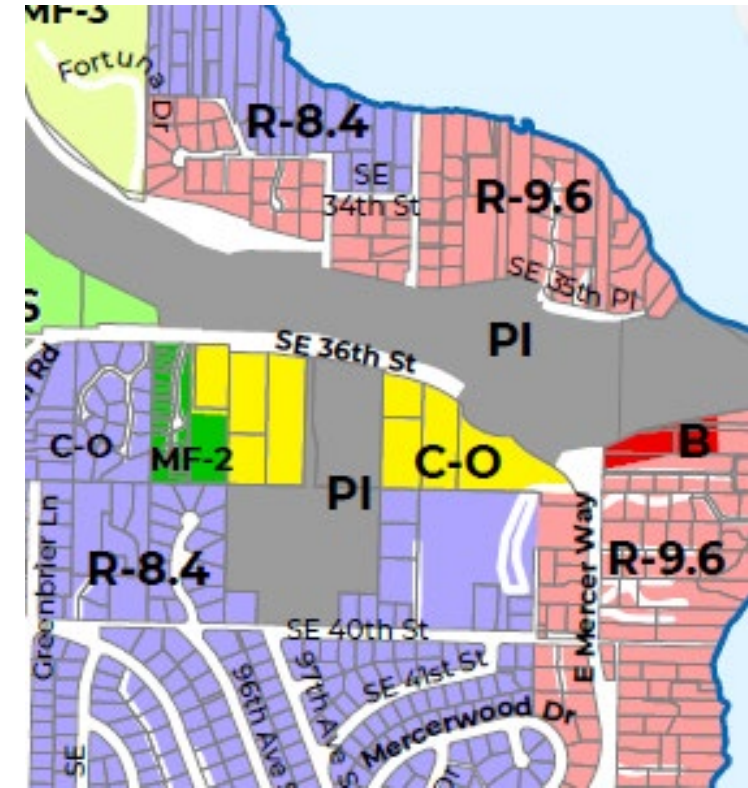
1. Planning Commission Chair explains process
2. Swearing in of witnesses
3. Appearance of fairness questions
4. Public comment
5. Presentation from applicant
- ▶ 6. Presentation from City
7. Planning Commission deliberations
8. Adoption of findings on reclassification criteria
9. Recommendation

Proposal

- The applicant proposes to amend Appendix D MICC to rezone parcels 2655500075 (City Hall) and 2655500185 (Maintenance Operations) from C-O and R-8.4 to Public Institution (PI)



Current



Proposed

Background

- **September 17**, 2025: Application received
- **September 19**, 2025: Application determined to be complete for processing
- **September 29**, 2025: Public notice (NOA & NOPH) mailed, posted, and published in the Weekly Permit Bulletin
- **October 1**, 2025: Public notice (NOA & NOPH) published in the Mercer Island Reporter
- **November 3**, 2025: SEPA DNS issued and no appeals filed

Reclassification of Property (Rezone) Criteria

MICC 19.15.240 contains criteria for a rezone. City Council may approve a rezone only if **all** of the following are met:

1. Consistent with the Comprehensive Plan
2. Consistent with the purpose of the development code
3. An extension of an existing zone or logical transition between zones
4. Not an illegal site-specific rezone
5. Compatible with surrounding zones and land uses
6. Does not adversely affect public health, safety and welfare
7. Comprehensive plan required prior to approval of the rezone (not applicable to this application)

Staff Report

- Staff findings on the consistency of the application with the review criteria for rezones
- Staff recommendation based on this review

STAFF REPORT AND RECOMMENDATION	
Reclassification of Property (Rezone) RZN25-001 – Exhibit 1	
Project Number:	RZN25-001
Project Name:	City of Mercer Island Public Works and City Hall Rezone
Review Type:	Quasi-judicial
Description:	A request for a reclassification of property (rezone) of two City-owned properties from Commercial Office (C-O) and Single-Family Residential (R-8.4) to Public Institution (PI). Both sites are designated as Public Facility in the City's Comprehensive Plan.
Applicant/Owner:	City of Mercer Island / Kellye Hilde, City of Mercer Island Public Works Deputy Director
Address:	9601 & 9611 SE 36th St, Mercer Island, WA 98040 King County Assessor tax parcel numbers: 965550-0185; 265550-0075
Zoning Designation:	Commercial Office (C-O); Single-Family Residential (R-8.4)
Staff Contacts:	Molly McGuire, Senior Planner Jeff Thomas, Director
Key Project Dates:	Date of Application: September 17, 2025 Determined to be Complete: September 19, 2025 Notice of Application Bulletin Published: September 29, 2025 Notice of Application Mailed: September 29, 2025 Notice of Application Posted on Site: September 29, 2025 Comment Period Ended: Close of Public Hearing on November 19, 2025 Notice of Public Hearing Bulletin Published: September 29, 2025 Notice of Public Hearing Mailed: September 29, 2025 Notice of Public Hearing Posted on Site: September 29, 2025 Notice of Public Hearing Published in Mercer Island Reporter: October 1, 2025 Date of Open Record Public Hearing: November 19, 2025 at approximately 6:00PM

Criterion 1

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

Staff Finding Summary: Both parcels are designated as Public Facility in the Comprehensive Plan and the proposal aligns with the description, goals and policies of this designation. The PI designation would reflect both the current and planned public use of the properties. Staff find this criterion is met.

Criterion 2

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

Staff Finding Summary: The proposal achieves the purposes in the development code by promoting health, safety, and welfare by enabling the construction of the Public Safety and Maintenance (PSM) facility. The proposal would provide coordinated development by establishing a single zone for the City-owned properties. Staff find this criterion is met.

Criterion 3

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

Staff Finding Summary: The proposal would be an extension of the existing PI zone, which is adjacent to the north property lines. Staff find this criterion is met.

Criterion 4

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

Staff Finding Summary: An illegal spot zone would have some or all of the five characteristics outlined in the staff report. The proposal expands an existing zoning designation, allows uses that are consistent with the uses in the surrounding zones, is not merely for the private gain of one or a group of owners, and supports public health, safety, and welfare City wide. Staff find this criterion is met.

Criterion 5

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

Staff Finding Summary: The existing civic uses have coexisted compatibly with the adjacent residential and commercial areas for decades and the reclassification would formalize this use and align with the Comprehensive Plan's Public Facility designation. Both the PI and C-O zones accommodate larger building forms and service-related uses and the R-8.4 zone allows for government services as a conditional use. Staff find this criterion is met.

Criterion 6

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

Staff Finding Summary: The proposal would enable the replacement of outdated municipal facilities through the construction of the PSM Facility which is designed to enhance the City's ability to deliver essential services. With the closure of City Hall, these services are currently provided out of temporary facilities and hinder the City's ability to serve residents efficiently. Staff find this criterion is met.

Criterion 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.

Staff Finding Summary: The proposed rezone does not require a Comprehensive Plan amendment. This criterion is not applicable.

Adoption of Findings

The Planning Commission can make motions to:

- **Main motion:** Adopt the findings documented in the staff report and uphold the finding that [insert criterion] has been met;
- **Secondary motion** (optional): Amend the main motion to add or revise findings

Findings must be adopted for all 7 criteria

Planning Commission Recommendation

- The Planning Commission must make a recommendation to the City Council on whether to approve or deny the requested reclassification of property.
- **Recommended motion:** Recommend that the City Council approve the reclassification of the two City-owned parcels to the Public Institution (PI) zone based on the adopted findings.



Questions?



Deliberations and Adoption of Findings

Next Steps

- City Council will consider the Planning Commission's recommendation at its December 2 public meeting where it may adopt or reject the Planning Commission's recommendation or remand the review back to the Planning Commission.

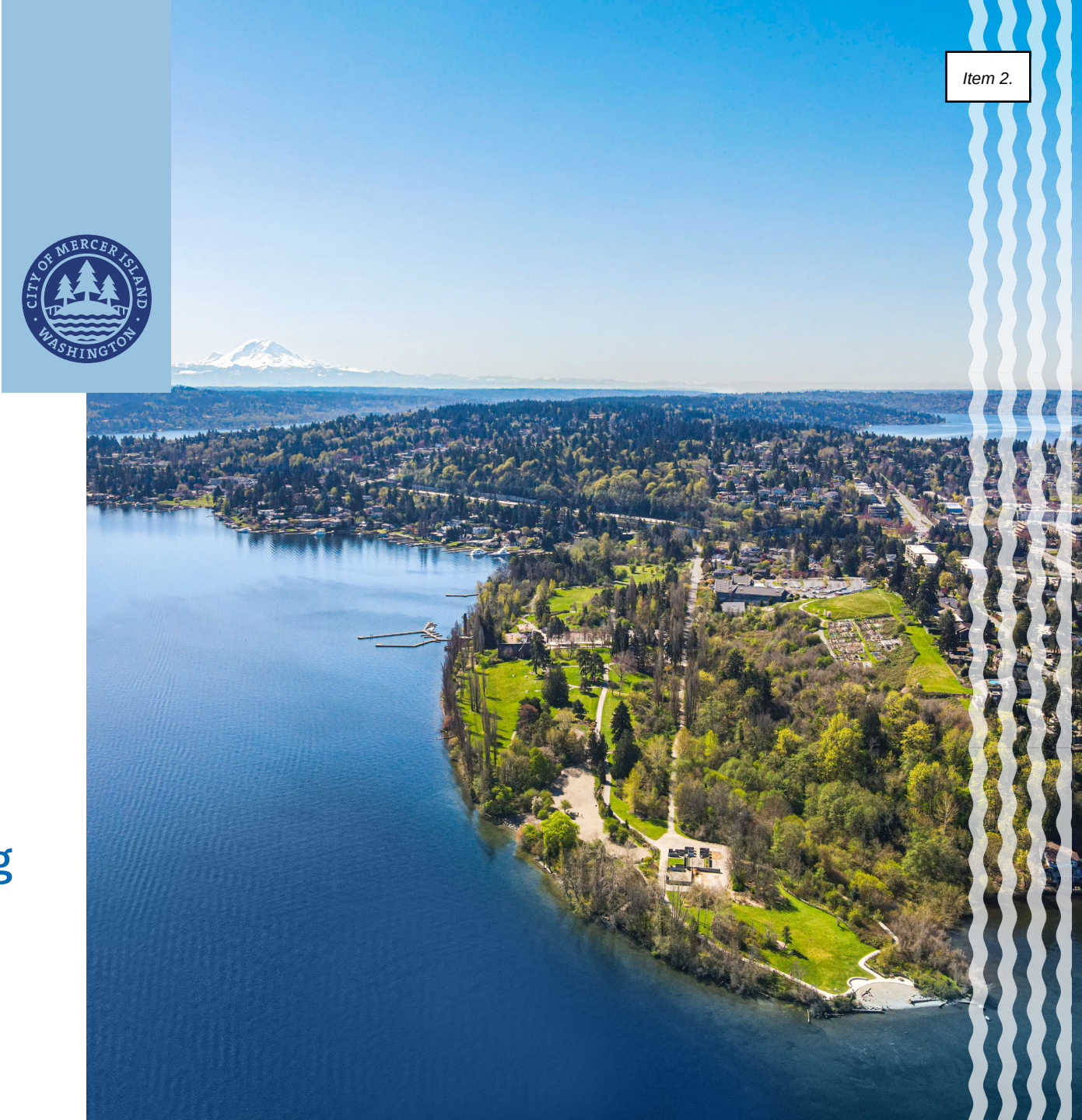


Reclassification of Property (Rezone)

Application #RZN25-001

Planning Commission Public Hearing
November 19, 2025

AB:PCB 25-20



Overview

Current Uses

Parcel A

- Unoccupied City Hall
- Police Trailers
- Staff Parking

Parcel B

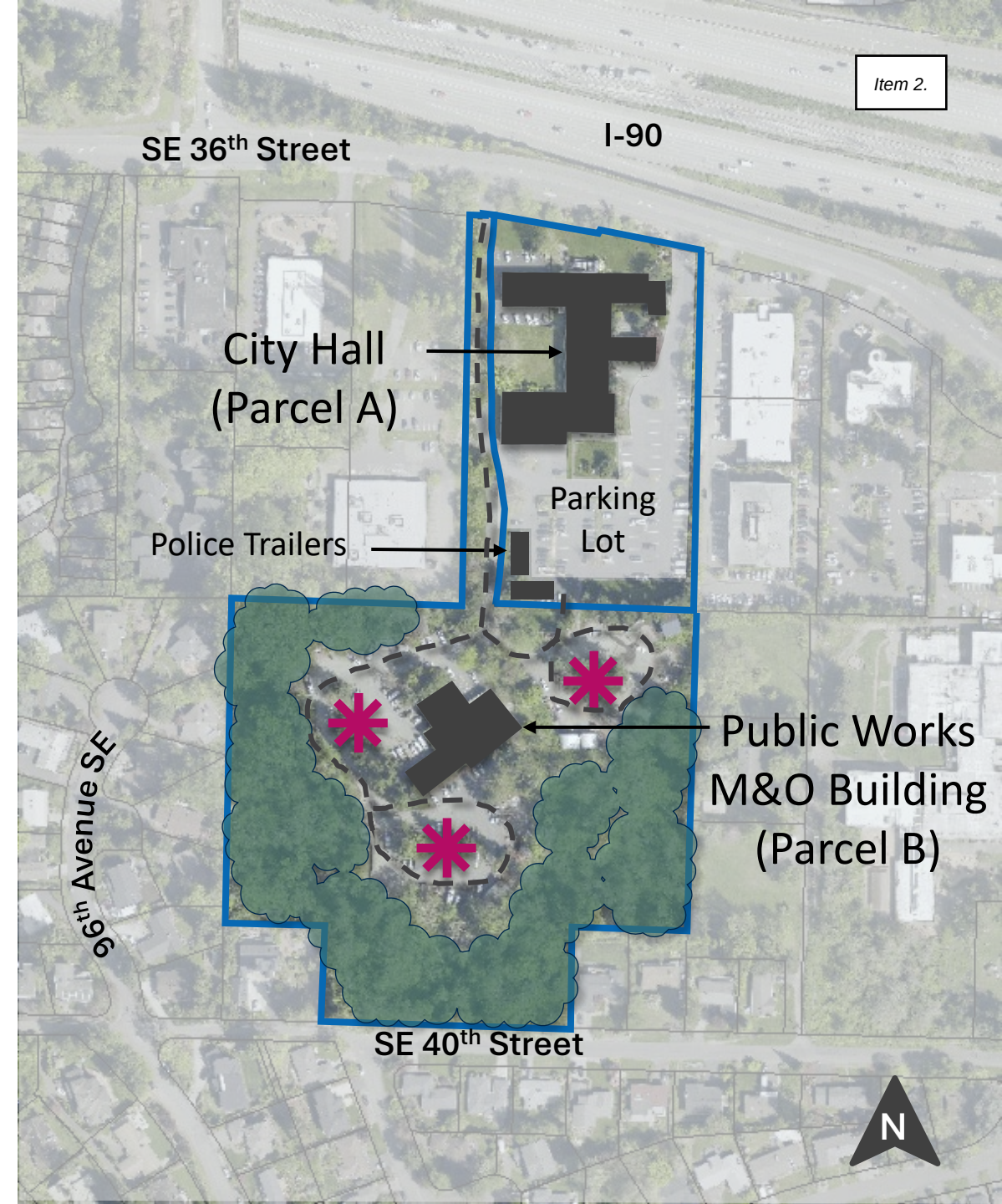
- PW Operation, Maintenance and CIP Staff
- Loading and Delivery
- City Equipment and Vehicle Parking
- Material Storage
- Decant Facility



Yard and Delivery/ Loading Areas



Internal Access and Circulation



Overview

Current Uses



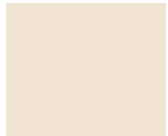
City Hall Property (Parcel A)

Parcel No.: 2655500075

Acres: ± 9.52

Zoning: Commercial Office

Current Use: Government Services



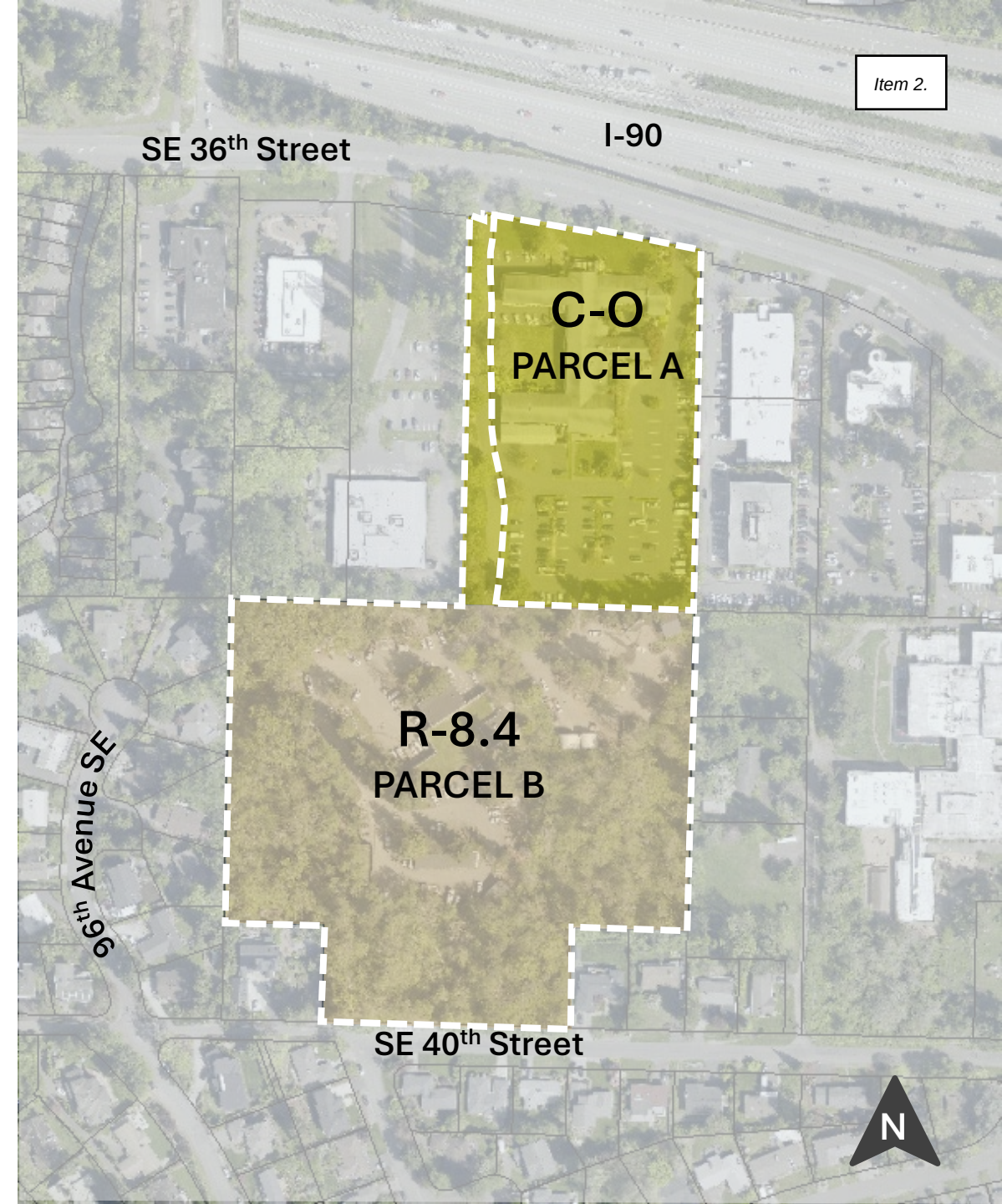
Public Works Maintenance & Operations Facilities Property (Parcel B)

Parcel No.: 2655500185

Acres: ± 4.10

Zoning: Residential

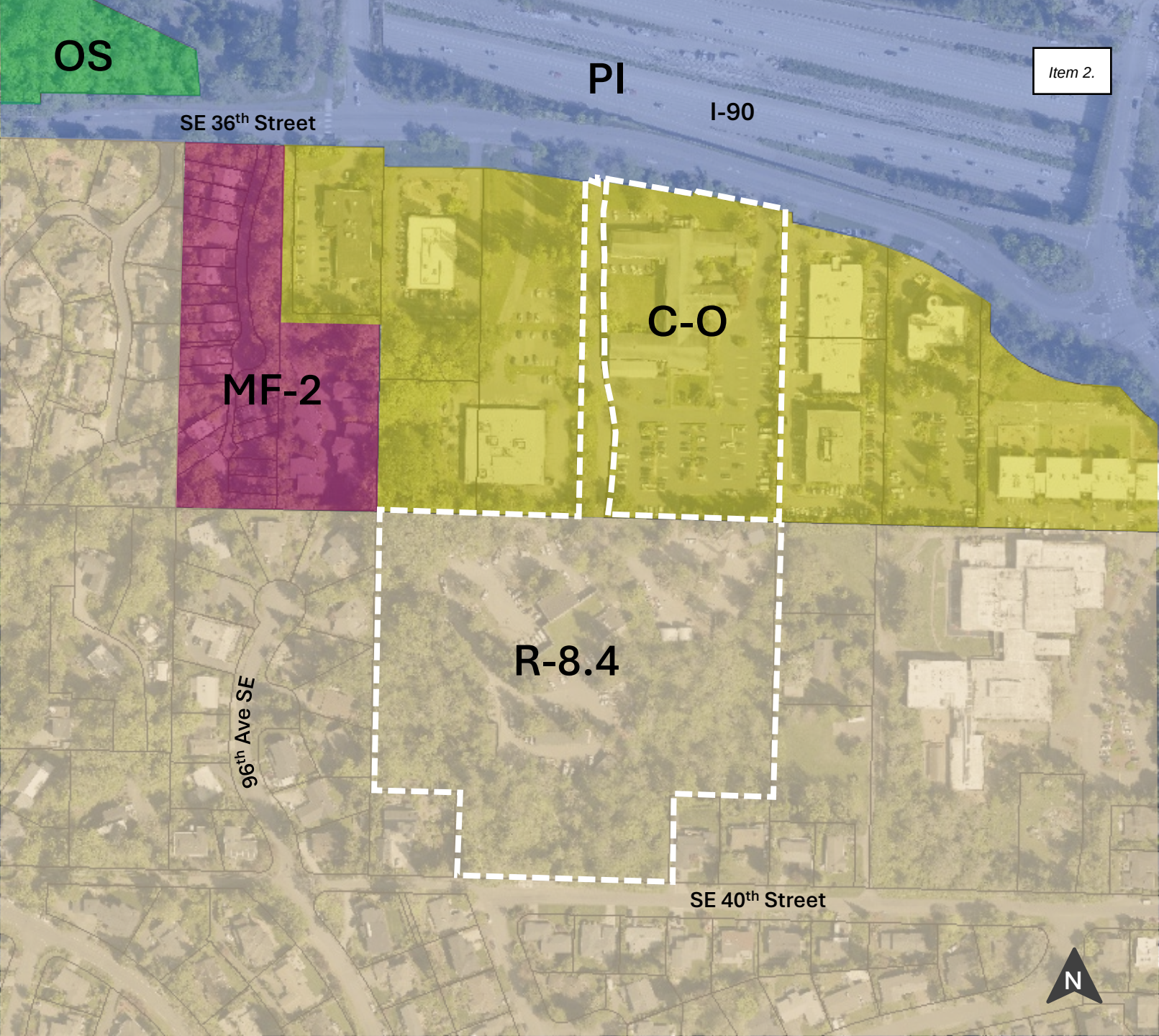
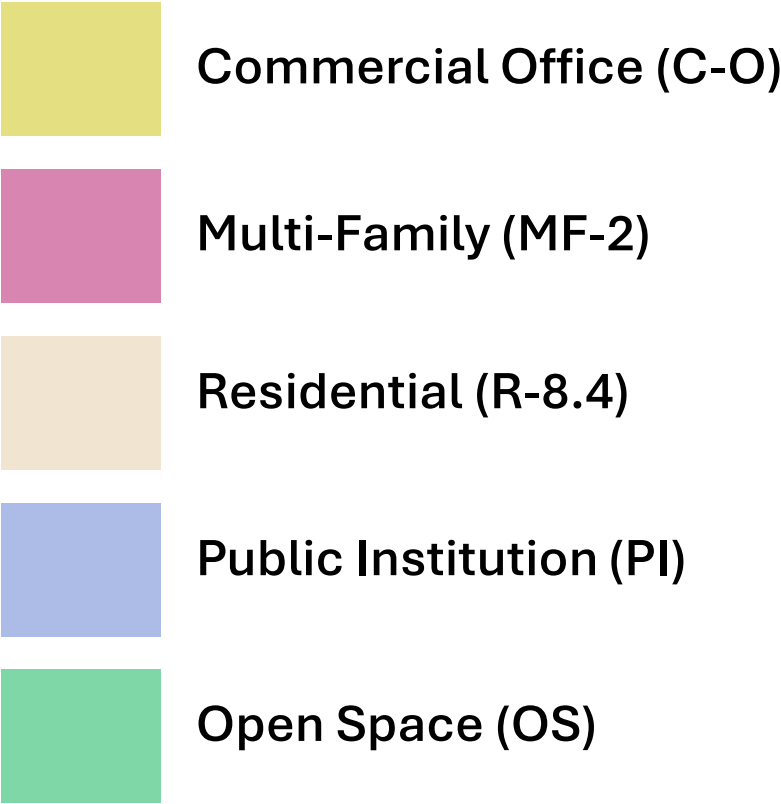
Current Use: Government Services



Item 2.

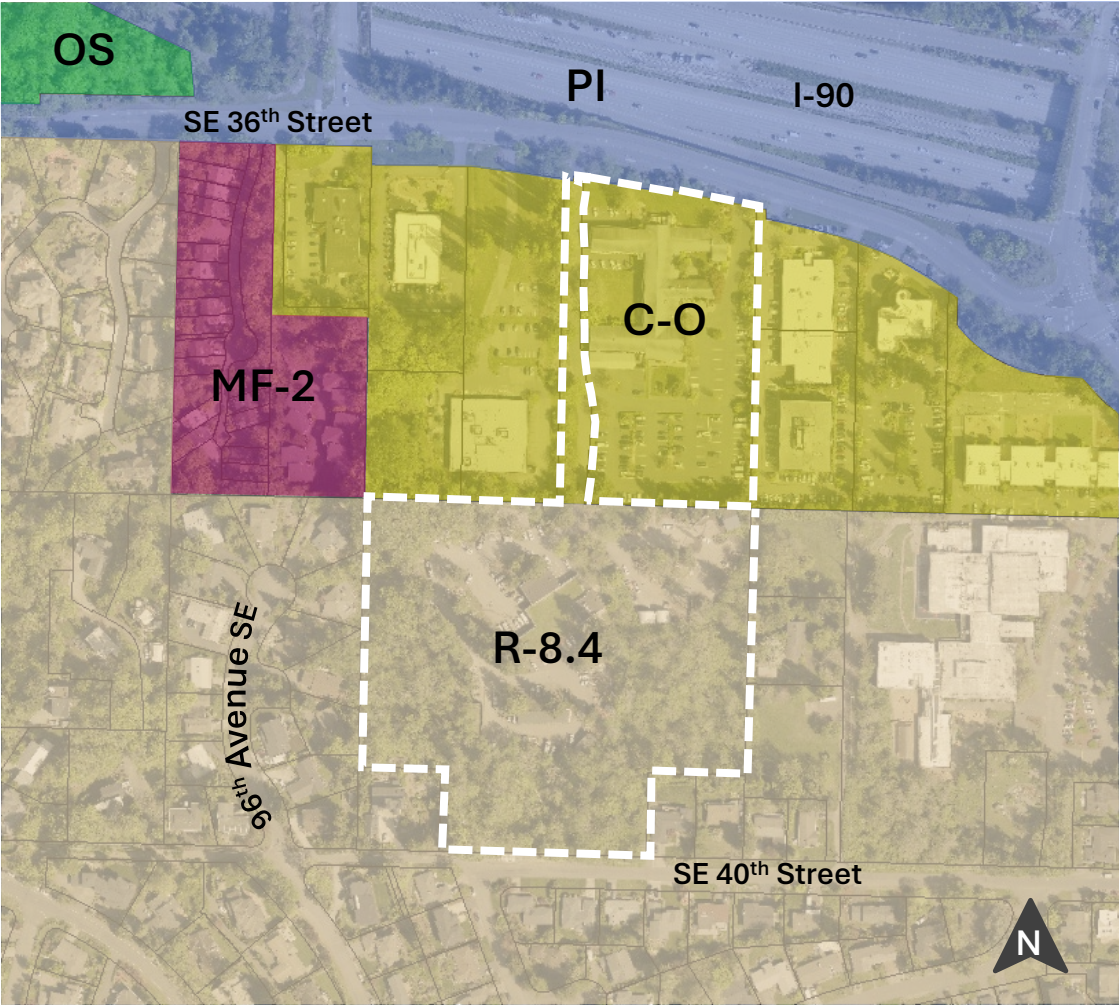
Overview

Surrounding Zoning Designations

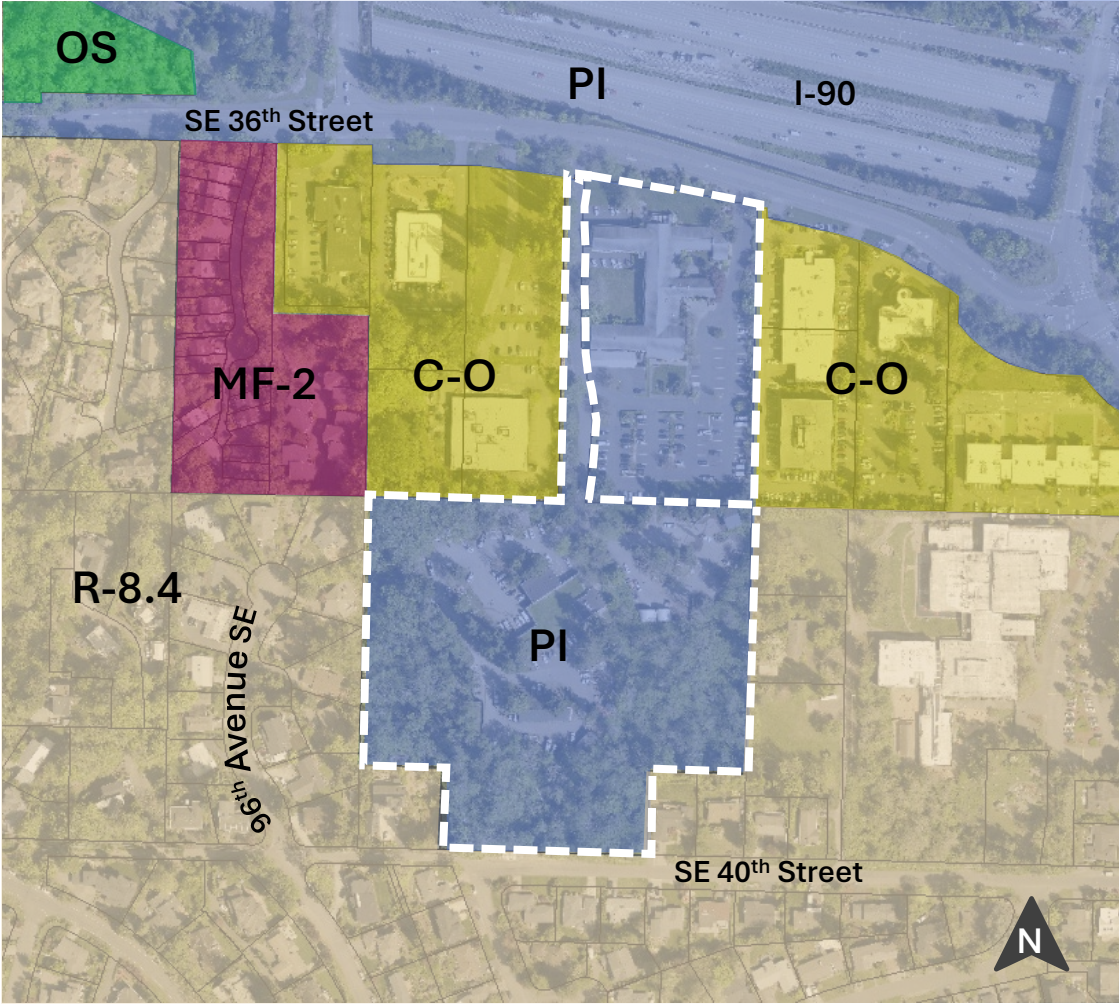


Overview

Rezone Application RZN25-001



Existing Zoning



Proposed Zoning

Reclassification of Property

Mercer Island City Code (MICC) 19.15.240.C

The proposed reclassification is consistent with the following:

1. The policies and provisions of the Mercer Island comprehensive plan;
2. The purpose of the Mercer Island development code as set forth in MICC 19.01.010;
3. An extension of an existing zone, or a logical transition between zones;
4. Does not constitute an illegal site-specific rezone;
5. Compatible with surrounding zones and land uses;
6. Does not adversely affect public health, safety and welfare; and
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.

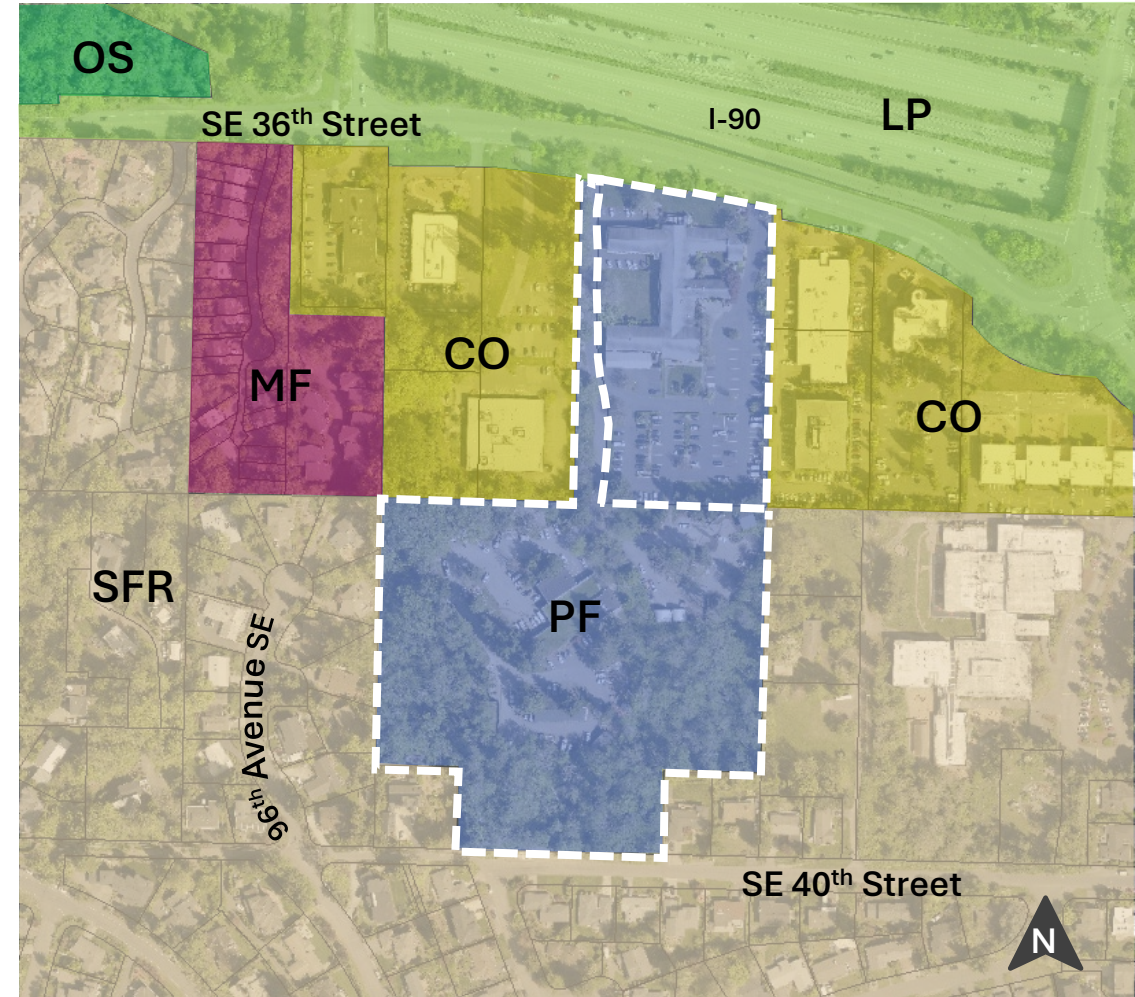
Criterion C.1

Consistency with the Comprehensive Plan

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

- Future Land Use Map designates both parcels as Public Facility
- PI zoning aligns with adopted land use and long-term civic use
- Supports development of a future Public Safety & Maintenance Facility
- Implements Capital Facilities Goals to replace aging facilities

 Commercial Office (CO)	 Public Facility (PF)
 Multi-Family (MF)	 Linear Park (LP)
 Single Family Residential (SFR)	 Open Space (OS)



2025 Comprehensive Plan Future Land Use Map

Criterion C.2

Item 2.

Consistency with the Purpose of the Development Code

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

- Implements the Comprehensive Plan as required by MICC 19.01.010
- Promotes public health, safety, and general welfare
- Provides consistent regulation under one zoning district
- PI zone applies predictable development and design standards



2025 National Night Out Event Held Near the Temporary Police Trailers

Criterion C.3

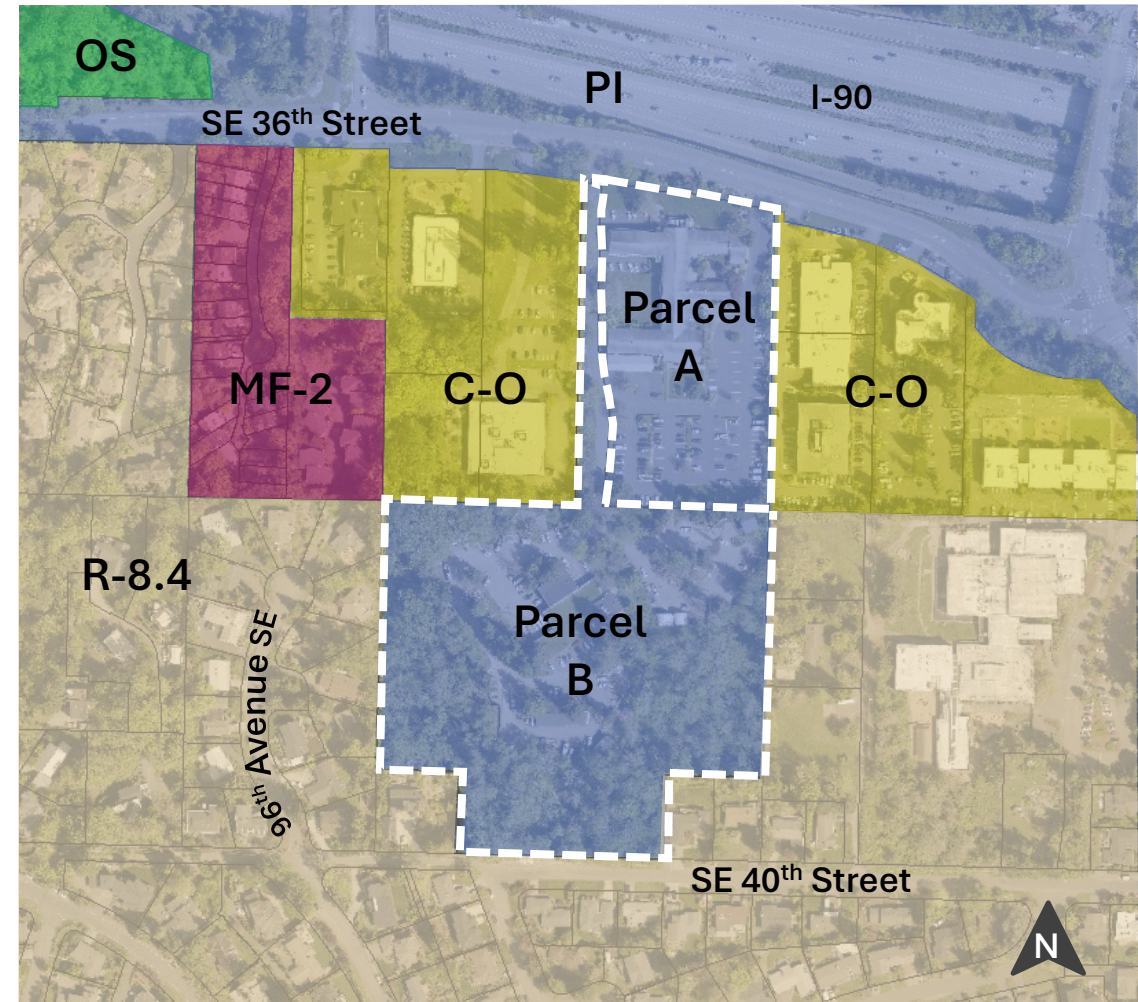
Item 2.

Extension of an Existing Zone / Logical Transition

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

- The proposed reclassification extends the PI zone from the north
- Applies one consistent zone across both parcels
- Eliminates the current split-zoning on Parcel B
- PI zone provides a transition between CO and R-8.4
- Compatible with all surrounding zoning districts

 Commercial Office (C-O)	 Public Institution (PI)
 Multi-Family (MF-2)	 Open Space (OS)
 Residential (R-8.4)	



Proposed Zoning Map

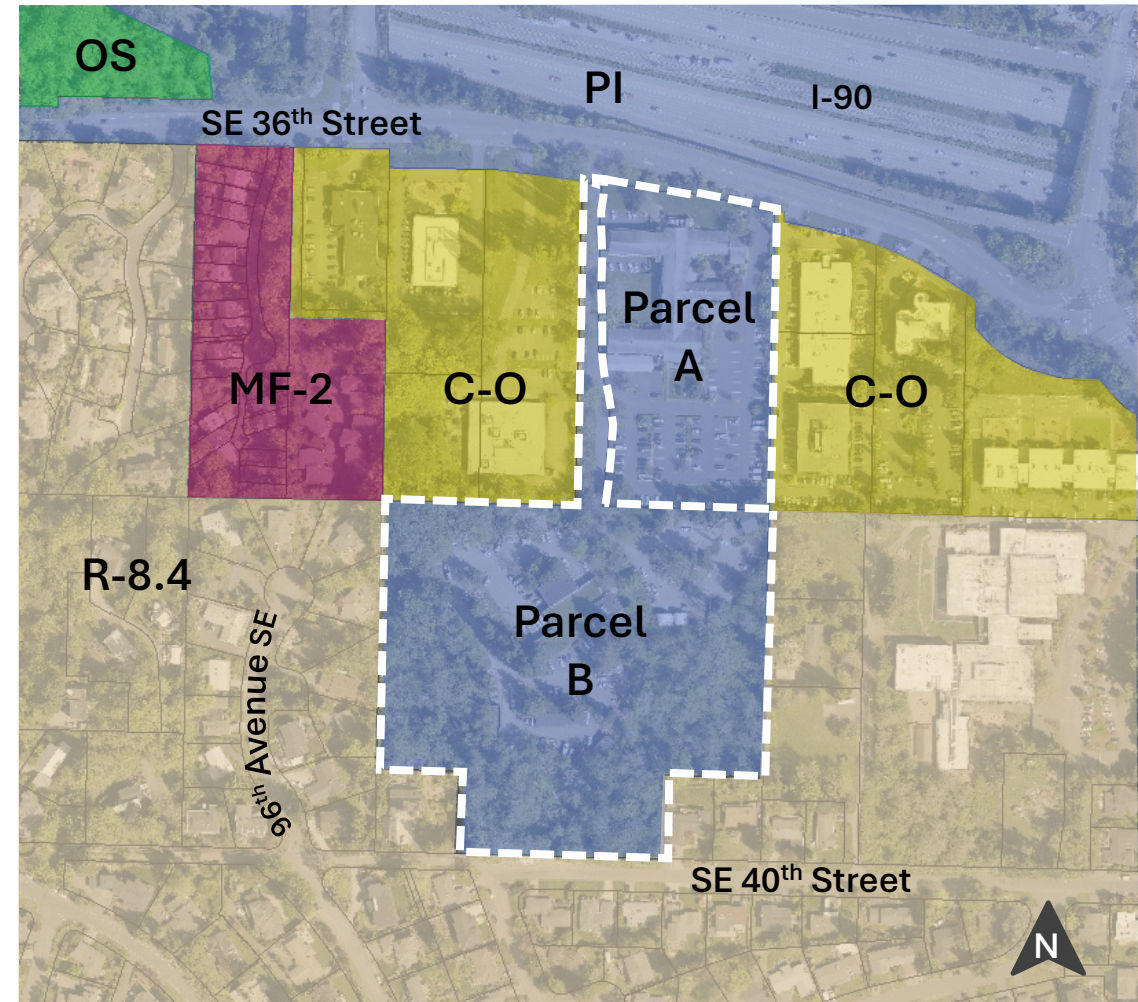
Criterion C.4

Not an Illegal Site-Specific Rezone

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

- PI zoning aligns with the Comprehensive Plan designation
- Rezoning two contiguous City-owned parcels
- No private benefit; entirely for public use
- Government services already allowed in surrounding zones
- Clearly supports public welfare and essential operations

 Commercial Office (C-O)	 Public Institution (PI)
 Multi-Family (MF-2)	 Open Space (OS)
 Residential (R-8.4)	



Proposed Zoning Map

Criterion C.5

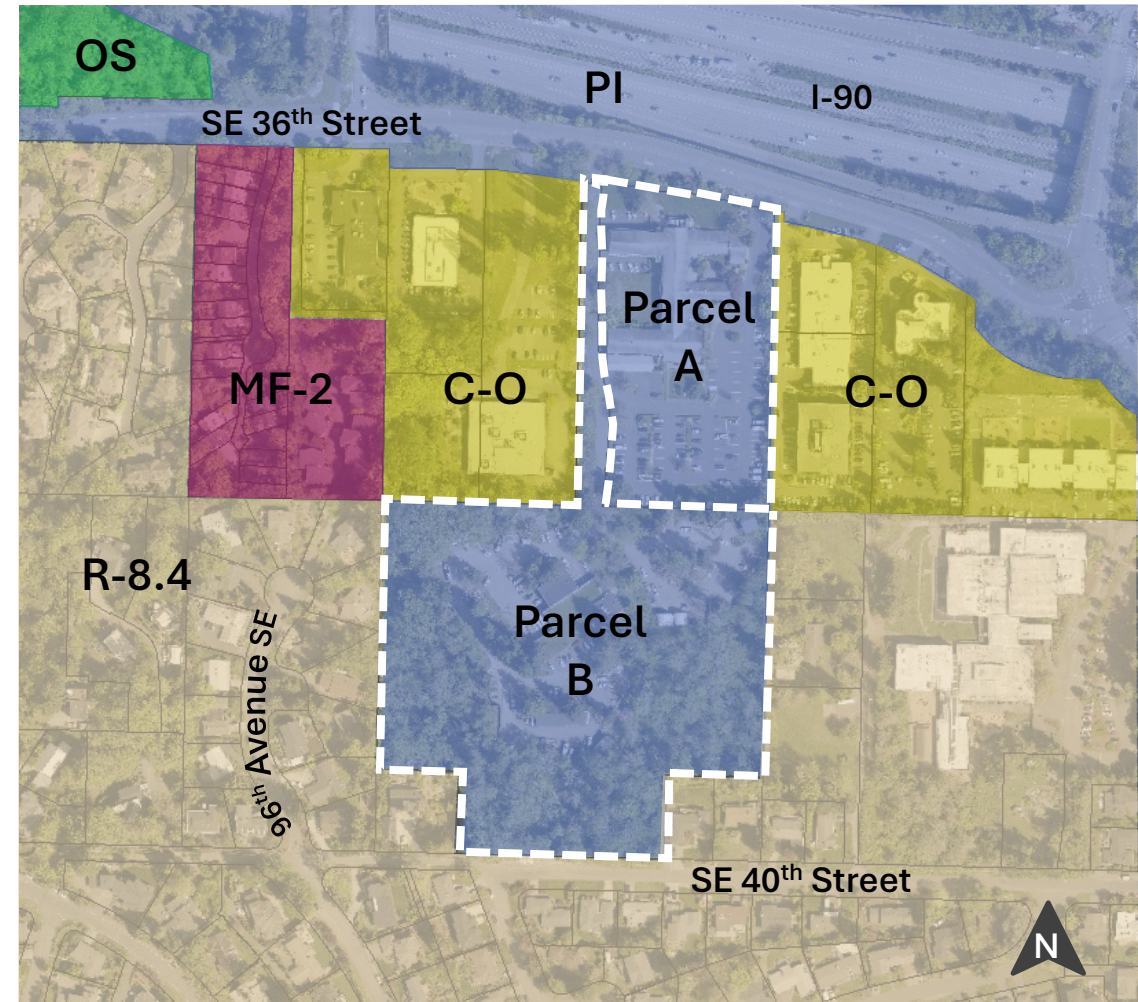
Item 2.

Compatibility with Surrounding Zones and Land Uses

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

- Longstanding civic use already functions compatibly
- PI zone is compatible with adjacent CO and R-8.4
- Provides appropriate civic buffer to neighborhoods
- Design standards (MICC 19.05.010 & 19.11) ensure compatibility

 Commercial Office (C-O)	 Public Institution (PI)
 Multi-Family (MF-2)	 Open Space (OS)
 Residential (R-8.4)	



Proposed Zoning Map

Criterion C.6

Item 2.

No Adverse Effect on Public Health, Safety, and Welfare

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

- Rezone enables construction of a future PSM Facility
- Improves emergency response and service delivery
- Aligns zoning with public facility land use
- PI development standards protect neighborhood compatibility



2025 Community Emergency Response Team (CERT) Training

Criterion C.7

Requires a Comprehensive Plan Amendment

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

Not applicable, this application is not proposing an amendment to the Comprehensive Plan.

Public Comments

Staff Report Exhibit 15

Summary of Comments Received

- Concerns about site maintenance and visual appearance
- Preference for residential use instead of civic/maintenance operations
- Questions about legality of existing use and compatibility with neighborhood
- Property value, traffic, noise, and safety concerns
- Environmental impacts (fuel, runoff, trees, critical areas)
- Requests to relocate the facility or reduce its footprint
- Worries about potential expansion of operations
- Desire for stronger buffers/setbacks and screening
- SEPA concerns related to streams, wetlands, and salmon habitat



Item 2.

City Hall Building



Public Works Building and Yard



Reclassification of Property (Rezone)

Application #RZN25-001

Thank you

