



S T U R M A N
A R C H I T E C T S

Date: April 7, 2026

To: City of Mercer Island
Community Planning & Development

From: Kati Eitzman – Sturman Architects
Brad Sturman – Sturman Architects

Re: New Residence
3246 72nd Place SE
Mercer Island, WA 98040
Permit #2601-016

Subj.: Response to Public Comments

This letter is being submitted as part of the Corrections #1 Response for Building Permit #2601-016 and is the response to public comments received from Benjamin Sharpe on February 25, 2026, and March 22, 2026.

Dear Benjamin Sharpe,

Sturman Architects has received your public comments regarding the proposed development under Building Permit #2601-016. We recognize that concerns may arise in connection with the demolition of an existing structure and the construction of a new single-family residence, and we appreciate the opportunity to respond.

By way of background, the proposed residence has been carefully designed to meet the specific needs of our clients, the Yusens, including accommodations for their disabled three-year-old daughter, who requires significant and constant care. The design incorporates features intended to support this care, including a dedicated therapy space and a separate south side entrance to allow caregivers to access the child's living area independently.

We have reviewed your comments in detail and will address each of the concerns raised in turn.

Per Benjamin Sharpe (03-22-2026 letter):

“1. Exceptional Tree Removal — Request for Redesign Evidence Under MICC 19.10



The Tree Schedule identifies the following trees slated for removal along or near the southern property boundary — the boundary shared with my property at 3256 72nd PI SE:

Trees #5066 and #5067 are classified as Exceptional under MICC 19.10. A 48-inch Black Hawthorn is an extraordinary specimen — likely decades old — and the 38-inch Western Red Cedar is similarly irreplaceable in the near term. Under MICC 19.10.070, the tree retention hierarchy requires that Exceptional Trees be prioritized for retention, and the applicant must demonstrate that the development has been designed to minimize tree removal. Specifically, I request:

a) Evidence that the applicant explored alternative site plans that would retain Trees #5066 and #5067. Has any redesign analysis been submitted? If so, I request copies.

b) The complete Arborist Report prepared by Seattle Tree Consulting (John Wells / Douglas Smith), which I requested in my February 25 letter but have not yet received.

c) Confirmation from staff that the retention hierarchy was applied and that removal of these Exceptional Trees was determined to be unavoidable — not merely inconvenient to the proposed design. If no redesign analysis exists, I respectfully submit that the application is incomplete with respect to MICC 19.10 requirements and should not be approved until the applicant demonstrates compliance.”

Sturman Architects:

It appears the tree table may have been read incorrectly. For clarity:

Tree **#5066** is an 8-inch Hawthorn that has always been designated for retention. Our project arborist has also confirmed in the revised report that this is a common Hawthorn and not an Exceptional Tree.

Tree **#5067** is a 48-inch Red Cedar that qualifies as a hazard tree, as it is in direct contact with the existing garage. Its removal would be permitted based on hazard status alone, irrespective of the proposed development. A Tree Risk Assessment for this tree has been completed by the project arborist and submitted to the City as part of the resubmittal package.

a) A formal site design analysis is not a standard requirement for Building Permits approval by the City of Mercer Island. Based on extensive experience with similarly treed sites, such analysis has not been required beyond documentation



supporting tree removal in accordance with MICC provisions. This response will suffice as its equivalent.

b) As we understand, the full arborist report has always been included in the SUB1 folder that contains all other permit materials:

<https://permitbulletin.mercerisland.gov/public/2601-016/SUB1/>

c) Sturman Architects confirms that the required retention hierarchy was applied and that the removal of identified Exceptional Trees was determined to be unavoidable.

With respect to site planning, the design process begins with a comprehensive evaluation of all nonregulated, regulated, and Exceptional trees on site. Tree retention requirements are calculated in accordance with MICC 19.10.060, which establishes a minimum retention rate of 30% of regulated trees. Interior Tree Protection Zones (ITPZ), as defined by the project arborist, are then mapped for each tree. These zones restrict any disturbance, including excavation, and are a primary factor in determining building placement.

The proposed residence has been sited to balance code compliance, tree retention, and constructability. The project will retain approximately 61.5% of regulated trees—more than double the minimum required.

Several Exceptional Trees on site, including those along the northern property line, significantly constrain the developable area. The residence has been located as far north as feasible while preserving Tree **#5078** (ITPZ radius of approximately 18 feet) and Tree **#5077** (ITPZ radius of approximately 10.2 feet). The proposed garage encroaches into these protection zones only to the extent already established by the existing structure. Additionally, our geotechnical engineer will allow a maximum 48" tall vertical cut at this portion of our property, at the location of the existing house, to install the foundation for the new garage. The house can be moved no further north because of this.

As noted, Tree **#5067** is classified as a hazard and is eligible for removal on that basis alone. A Tree Risk Assessment for this tree has been completed by the project arborist and submitted to the City as part of the resubmittal package.

Tree **#5069**, a 16-inch Cherry, is proposed for removal due to unavoidable encroachment into its ITPZ from necessary excavation for the basement, foundation, and adjacent walkway. Given this level of disturbance, the tree would not be expected to survive. As a regulated (non-exceptional) tree, its removal is freely allowed in conjunction with MICC as part of the building permit.



The removal of Tree **#5085**, the only other Exceptional Tree affected, is required to accommodate the new driveway. This removal is not anticipated to impact Mr. Sharpe's property.

Per Benjamin Sharpe (03-22-2026 letter):

"2. Replacement Trees Are Wholly Inadequate for Privacy Screening

The plans specify 18 replacement trees meeting minimum MICC 19.10.070 standards: coniferous trees at least 6 feet tall, and deciduous trees at least 1.5 inches in caliper. I strongly object to this as insufficient mitigation for the following reasons:

- The trees being removed — particularly the 48" Hawthorn, 38" Cedar, and 24" Apple — currently provide essential privacy screening between the subject property and my home. They represent decades of mature growth with substantial canopy coverage.

- The proposed replacement saplings will require 10 to 20 years to provide comparable screening. During that period, my family's privacy will be severely compromised.

- The new structure is 30 to 35 feet tall (2 stories over a full basement), with nine or more southfacing windows across three floors — including 8-foot-tall fixed windows on the upper floor serving the primary bedroom and primary bath. These windows will have direct sightlines into my backyard and home from an elevated vantage point.

I request that the City condition any approval to require:

a): Immediate installation of mature screening trees (minimum 15–20 feet in height) along the southern property boundary, of species appropriate for year-round screening (e.g., Western Red Cedar, Emerald Green Arborvitae, or similar evergreens).

b): All 18 replacement trees must be planted along the southern property boundary — not distributed elsewhere on the lot. The trees being removed currently serve as the primary privacy screen between our properties. Scattering replacements across the applicant's lot would provide no mitigation whatsoever for the privacy loss I will suffer. The replacement obligation exists because of the trees removed from this boundary; the replacements must go back where the screening is needed."



Sturman Architects:

Several of the referenced trees appear to have been mischaracterized:

Tree **#5071** is an 18-inch Apple tree located more than 26 feet from the southern property line.

Tree **#5066** is an 8-inch Hawthorn. It is not 48 inches in diameter and is not proposed for removal.

Tree **#5067** is a 48-inch Red Cedar that qualifies as a hazard tree due to direct contact with the existing garage. Its removal would be permitted on this basis alone, regardless of the proposed development. A Tree Risk Assessment has been completed by the project arborist and submitted to the City as part of the resubmittal package.

Tree **#5069** is a 16-inch Cherry tree proposed for removal due to unavoidable and substantial encroachment into its Interior Tree Protection Zone (ITPZ) from required excavation for the basement, foundation, and adjacent walkway. Given the extent of disturbance, the tree would not be expected to survive. As a regulated (non-exceptional) tree, its removal is freely allowed in conjunction with MICC as part of the building permit.

a) Replacement trees will only be installed at the conclusion of construction to support their health and long-term viability.

All replacement trees will comply with MICC 19.10.070. Species selection will be coordinated by the clients and their landscape architect to ensure compatibility with site conditions, the architectural character of the residence, and the clients' privacy and security objectives. Any concerns of Mr. Sharpe regarding the City's replacement tree standards should be directed to the City and are outside the scope of this project.

b) Replacement tree locations will also comply with MICC 19.10.070 and will be determined by the clients and their landscape architect to ensure compatibility with site conditions, the architectural character of the residence, and the clients' privacy and security objectives.

City code and arborist standards require a minimum separation distance of 10 feet between trees, utilities, and structures. As a result, it is neither feasible nor appropriate to plant all replacement trees along the southern property line. The intent of the replacement requirement is to maintain overall tree canopy coverage across the site, consistent with broader Mercer Island standards.



Per Benjamin Sharpe (03-22-2026 letter):

“3. Side Setback and Visual Impact

The plans indicate a side yard setback of approximately 7.5 feet on the southern (my) side. While this may meet the technical minimum under MICC 19.02, the combination of:

- a): Minimum side setback (7.5 feet),*
- b): Maximum building height (30–35 feet),*
- c): Removal of all mature screening vegetation, and*
- d): Extensive south-facing glazing*

...creates an unreasonable impact on my property that warrants mitigation beyond code minimums. I request that staff evaluate whether the proposed design complies with any applicable daylight plane or bulk standards, and whether conditions can be imposed to reduce the visual impact (such as requiring frosted or obscured glazing on south-facing upper-story windows).”

Sturman Architects:

Nothing in the design or construction of the Yusens’ new residence will result in impacts beyond those reasonably expected when a neighboring property is redeveloped. The proposed design includes no variances, exceptions, or departures from standard code requirements.

a) The placement of the residence fully complies with, and in several instances exceeds, the side yard setback requirements of MICC 19.02.020.C. Both side yard setbacks meet the maximum required 10 feet and extend beyond that. The north façade is set approximately 14’-11 ¾” from the north property line. On the south side, the closest element—a one-story roof over the side entry—is located approximately 11’-7 ¾” from the southern property line, while the two-story portion is set back approximately 16’-6 ½”. These and other relevant dimensions are clearly documented on the A1.1 Site Plan.

The proposed new south side yard setback is substantially greater than that of the adjacent property to the south, where the neighboring residence appears to be located approximately five feet from the shared property line. In addition, removal



of Yusens' existing garage, currently located approximately two feet from the property line, will improve any feeling of crowding Mr. Sharpe may have.

b) The proposed building height is 29'-8" from finished grade to the top of framing at the highest gable, remaining below the maximum allowable height of 30 feet as measured from Average Building Elevation per MICC 19.02.020.E.4. Construction will be closely monitored to ensure compliance with approved plans, including verification of floor elevations during construction and a final, city-required height survey.

c) Any tree removal will be conducted in full compliance with MICC 19.10.

d) There are no provisions within the applicable codes that regulate window placement relative to neighboring properties or require modification based on an adjacent neighbor's preferences.

Because privacy and security are also of the utmost importance for our clients, great consideration was taken when placing windows on the southern façade to balance code compliance, interior functionality, and reasonable privacy expectations.

To ensure the glazing design and schedule are understood by Mr. Sharpe, some clarifications will be made:

The basement includes a south-facing emergency egress window serving a potential bedroom. This window is largely below grade and will not meaningfully affect the neighboring property.

On the main floor, south-facing windows occur in Ms. Yusen's therapy space and bedroom, as well as at the side entry and stairwell. Window head heights are set at a standard 8'-0". The therapy space windows have a sill height of 3'-6" to comply with 2021 IRC emergency egress requirements. As the bedroom windows have a sill height of 6'-0" and are limited to two-foot-tall openings, it is not reasonable to claim a site advantage onto Mr. Sharpe's property. Stairwell glazing may incorporate obscured or patterned glass at the clients' discretion.

On the upper floor, south-facing windows are limited to the primary bedroom and Mr. Yusen's closet. These windows also have 8'-0" head heights, with sill heights at 6'-0" and are limited to two-foot-tall openings. As with the main floor, it is not reasonable to claim a site advantage onto Mr. Sharpe's property from these windows.



In summary, the proposed residence complies fully with all applicable Mercer Island City Code (MICC) requirements. There are no variances, no exceptions, and no elements that exceed what is typically permitted or expected in residential development. The MICC does not impose “daylight plane” or “bulk standard” limitations applicable to this project.

Per Benjamin Sharpe (03-22-2026 letter):

“4. Permit Status and Timing

I note that the permit status is currently “WCI” (Waiting for Corrections/Information) as of the MyBuildingPermit portal. I request:

- Notification when the applicant submits corrected plans, so that I may review any changes to the tree retention plan or site layout.*
- Confirmation that my Party of Record status entitles me to receive the Notice of Decision and exercise appeal rights under MICC 19.15.”*

Sturman Architects:

Responsibility of notification of application resubmissions rests with the city of Mercer Island.

Per Benjamin Sharpe (03-22-2026 letter):

“Summary of Requests

- 1. Provide the Arborist Report (previously requested 2/25/2026, not yet received)*
- 2. Provide evidence that the applicant explored redesigning to retain Exceptional Trees #5066 and #5067*
- 3. Condition any approval to require mature screening trees (15–20 ft) along the southern boundary*
- 4. Require all 18 replacement trees be planted along the southern property boundary to restore the destroyed privacy screen*
- 5. Evaluate south-facing glazing for privacy mitigation*
- 6. Notify me of any resubmissions and the eventual Notice of Decision”*

Sturman Architects:

1) As we understand, the full arborist report has always been included in the SUB1 folder that contains all other permit materials:

<https://permitbulletin.mercerisland.gov/public/2601-016/SUB1/>

2) A formal site design analysis is not a standard requirement for Building Permits approval by the City of Mercer Island. Based on extensive experience with similarly treed sites, such analysis has not been required beyond occasional documentation supporting tree removal in accordance with MICC provisions. This response will suffice as its equivalent.

3) All replacement trees will comply with MICC 19.10.070. Species selection and locations will be coordinated by the clients and their landscape architect to ensure compatibility with site conditions, the architectural character of the residence, and the clients' privacy and security objectives.

4) Replacement tree locations will comply with MICC 19.10.070 and will be determined by the clients and their landscape architect to ensure compatibility with site conditions, the architectural character of the residence, and the clients' privacy and security objectives.

City code and arborist standards require a minimum separation distance of 10 feet between trees, utilities, and structures. As a result, it is neither feasible nor appropriate to plant all replacement trees along the southern property line.

5) There are no provisions within the applicable codes that regulate window placement relative to neighboring properties or require modification based on an adjacent neighbor's preferences.

6) Responsibility of notification of application resubmissions and City decisions rests with the city of Mercer Island.

Per Benjamin Sharpe (02-25-2026 letter):

"1. Tree Retention and Privacy Screening (MICC 19.10)

My property currently relies on the existing mature vegetation on the subject property for privacy and wind buffering. I am concerned that the proposed footprint will necessitate the removal of significant trees that provide essential screening between our lots.



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Request: I request that the City strictly enforce the tree retention hierarchy in MICC 19.10, prioritizing the retention of trees located in the setback areas that buffer neighboring properties.

Request: Please forward a copy of the applicant's Arborist Report and Tree Retention Plan so I can verify which specific trees are slated for removal."

Sturman Architects:

Each of these requests has been addressed above in response to Mr. Sharpe's letter dated March 22, 2026.

Per Benjamin Sharpe (02-25-2026 letter):

"2. Setbacks and Building Massing

Given the substantial size of the proposed structure (nearly 6,200 sq. ft.), I am concerned about the bulk and scale of the home looming over my property and the potential loss of light and privacy.

Request: Please confirm that the proposed side yard setbacks strictly adhere to the aggregate requirements of the Mercer Island City Code and that no variances are being requested to reduce these setbacks."

Request: I request verification that the building design complies with daylight plane requirements to minimize the visual impact on my property. I look forward to reviewing the detailed site plans and the Arborist Report. Please confirm receipt of this email and that my status as a Party of Record has been noted."

Sturman Architects:

Each of these requests has been addressed above in response to Mr. Sharpe's letter dated March 22, 2026.

In summary, the proposed residence has been carefully designed in full compliance with all applicable Mercer Island City Code (MICC) requirements. The placement of the house, tree retention strategy, removal justifications, and replacement plan have been developed in coordination with qualified consultants and are consistent with both code requirements and standard residential



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development practices. No variances, exceptions, or special allowances are being requested or relied upon.

Consideration has been given to privacy and site conditions throughout the design process. As part of this effort, a 6-foot-tall privacy fence will be installed along the southern property line. In addition, between where replacement trees or new plantings occur along this boundary, fast-growing hedges and shrubs, growing one to two feet per year, will be incorporated to further enhance screening over time.

At the same time, it is important to recognize that Mr. Sharpe may wish to implement their own privacy measures. Mr. Sharpe is encouraged to consider installing supplemental vegetation, such as trees or fast-growing hedges, on his own property to achieve his desired level of screening.

Ultimately, the Yusens are entitled to develop their property in accordance with applicable codes, just as neighboring property owners may make independent improvements to their own sites. The proposed design reflects a reasonable and code-compliant balance of these rights and considerations.

For these reasons, we respectfully maintain that the concerns raised do not warrant modification of the proposed design, and we request that the project proceeds through the City's review process based on its demonstrated compliance with all applicable regulations.

Thank you for your time and concern in this development project.

Sincerely,
Kati Eitzman
Brad Sturman
Sturman Architects