
COMMUNITY PLANNING & DEVELOPMENT

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



PUBLIC NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that approval has been granted for the application described below:

File No.: CAO24-020

Permit Type: Type III

Description of Request: A request for a Critical Area Review 2 to repair the contiguous shoreline by removing the existing bulkhead and replacing it with a new rock bulkhead and beach cove. Other project elements include construction of a 120 SF barbeque pad, the removal of two trees, and the installation of native trees, shrubs, and groundcover plantings.

Applicant/Owner: Devin Melville (Facet) / Ken Lustig

Location of Property: 3820 E Mercer Way, Mercer Island, WA 98040
King County Assessor tax parcel number: 0824059185, 0824059184, 0824059189, 0824059029, 0824059181, and 0824059240

SEPA Compliance:

A Determination of Nonsignificance (DNS) has been issued following the optional DNS process per Washington Administrative Code (WAC) 197-11-355. The SEPA application is identified by City of Mercer Island project number SEP24-006.

Applicable Development Regulations: Pursuant to Mercer Island City Code (MICC) [19.15.030](#) Table A, applications for Critical Area Review 2 are required to be processed as Type III land use reviews. Processing requirements for Type III land use reviews are further detailed in MICC 19.15.030 Table B.

Other Associated Permits: SHL24-013, SEP24-006

Project Documents: <https://permitbulletin.mercerisland.gov/public/CAO24-020/>

Decision: Approved subject to conditions.

Appeal Rights: *DISCLAIMER: This information is provided as a courtesy. It is the ultimate responsibility of the appellant to comply with all legal requirements for the filing of an appeal.*

Parties of record have the right to appeal certain permit and land use decisions. In some cases, other affected parties also have appeal rights. Depending on the type of decision, the appeal may be heard by a City Hearing Examiner, Commission, Board, or City Council, or outside the City to the State Shoreline Hearings Board, the State Growth Management

Hearings Board, or King County Superior Court. For a comprehensive list of actions and the applicable entity who will hear the appeal, see MICC 19.15.030 Table B.

If you desire to file an appeal of a decision that is appealable to the City, you must submit the appropriate form and file it with the City Clerk **within the time stated in the Notice of Decision**. Forms are available from Community Development and Planning. Upon receipt of a timely complete [appeal application](#) and [appeal fee](#), an appeal hearing will be scheduled. To reverse, modify or remand a 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.

Application	Date of Application:	May 14, 2024
Process	Determined to Be Complete:	June 6, 2024
Information:	Public Comment Period:	June 17, 2024 through 5:00 PM on July 17, 2024
	Date Notice of Decision Issued:	February 18, 2025
	Appeal Filing Deadline:	5:00 PM on March 4, 2025
Project Contact:	Grace Manahan, Code Compliance Planner grace.manahan@mercerisland.gov (206) 275-7764	