



April 17, 2025

McClellan | Tellone  
Attn: Regan McClellan, AIA  
3309 Wallingford Ave N  
Seattle, WA 98103  
Via: Email

RE: **CAO24-029; SEP24-017; DEV25-005** Review Letter 1; 5928 77th Ave SE, Mercer Island, WA 98040

Dear Regan McClellan,

The City of Mercer Island Community Planning and Development Department has completed a review for compliance with the zoning code, Title 19 of the Mercer Island City Code (MICC) for the above Critical Areas Reasonable Use Exception, SEPA Review, and Setback Deviation applications. The following issues need to be addressed in your resubmission:

General:

1. Sheet A1.1 mislabels the 20-foot front yard setback. Please correct this label and include a separate 10-foot front yard setback line.
2. Sheet A1.1 appears to be missing the labels corresponding to the colors on the site plan.
3. MICC 19.02.020(H)(1): *Vehicular access easements*. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

The proposed deck and outdoor staircase at the entry level encroaches into the 5-foot setback from the edge of the access easement. Additionally, the underlying plat requires a 10-foot setback from the edge of the access easement. If this has been amended, please provide this documentation. Otherwise, please update the plans to show the 10-foot setback and remove the structures from the setback.

4. MICC 19.07.190(C)(7) requires a 10-foot setback from the edge of the wetland buffer, which may be reduced if the wetland meets specific criteria. MICC 19.07.190(C)(8) allows certain structures within the 10-foot setback, however no structures or

building overhangs may be closer than 5-feet from the edge of the wetland buffer. Please show the 10-foot setback from the edge of the wetland buffer, in addition to the 5-foot setback for structures and building overhangs.

DEV25-005:

1. Please clearly describe the critical areas and/or critical area buffers that the setback deviation is intended to increase protection for. Please also provide a breakdown of the amount of lessened impact due to the setback deviation on those critical areas and buffers. It looks like only the Category IV wetland would benefit from the setback deviation, as currently proposed.
2. Please provide a breakdown of the square footage of development within the landslide hazard area, piped watercourse setback, and wetland buffer with and without the granting of the setback deviation.
3. Please provide specific policies and provisions from the [Comprehensive Plan](#) in which the deviation is consistent with to demonstrate compliance with MICC 19.06.110(C)(2)(d): *The deviation is consistent with the policies and provisions of the comprehensive plan and the development code.*

CAO24-029:

1. Please provide a demonstration of why the options to reduce the piped watercourse setback provided in MICC 19.07.180(6) are not feasible.
2. Please provide specifics on the amount the proposed residence encroaches into the critical area buffers and setbacks (i.e. the proposed residence would encroach X feet into the 45-foot piped watercourse setback).
3. The landslide hazard area may require buffers per MICC 19.07.160(C). Please have a geotechnical professional determine whether a buffer is required and add this critical area to the analysis for the reasonable use exception as necessary. Shallow and deep-seated landslide hazard areas are defined in MICC 19.16.010 under "L".

The City's processing of the Critical Areas Reasonable Use Exception, SEPA Review, and Setback Deviation applications have been put on hold until these issues are resolved. Pursuant to MICC 19.15.110, all requested information must be submitted within 60 days or a request for extension requested. The deadline for a complete response or request for extension is June 16, 2025. If a complete response is not received or an extension response has not been received prior to that date, the application will expire and be canceled for inactivity. No additional notification regarding this deadline or expiration of the application will be provided.

Sincerely,



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

**Responding and Resubmitting: [Click for More Detailed Instructions](#)**

1. Reply to all review comments within the review letter.
2. Update your drawings, and any necessary supplemental documents or forms.
3. Upload updated drawings to the [Mercer Island Permit Submittal Portal](#).

**Having Trouble? Please Review the Following:**

[Accessing, Reviewing, and Responding to MlePlan Comments](#)

[Troubleshooting MlePlan](#)

[MlePlan Overview](#)

**Thank you for your participation in the MlePlan review process.**