



6/27/2025

MacPherson Construction & Design, LLC Attn: Dan Buchser
22605 SE 56th St. Suite 140
Issaquah, WA
Via: Email

RE: **CA025-011** Review Letter 1; 5320 Butterworth Rd, Mercer Island, WA 98040 Dear
Dan Buchser,

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 Area Review 2 application. The following issues need to be addressed in your resubmission:

Planning:

1. Get the Critical Areas Notice on Title recorded with the King County recorder's Office.
[RESPONSE: Critical Areas Notice on Title has been recorded and uploaded to the project.](#)
2. A landscaping plan is required that includes the landscaping of all disturbed areas outside of the building footprints and installation on hardscape, prior to final inspection per MICC 19.07.160(B)(2)(d)
[A landscaping plan has been submitted under Building Permit 2504-064 and included in the latest plan set under this permit for reference.](#)
3. Have your Geotech provide a memo addressing mitigation sequencing. See MICC 19.07.100- Mitigation sequencing, address each measure listed specifically.
[RESPONSE: Geotech has provided a supplemental plan review letter addressing mitigation sequencing.](#)
4. Have Altmann Oliver Associates prepare a post-design memo prepared by a qualified professional confirming that the proposed improvements comply with the design recommendations.
[RESPONSE: Altmann Oliver Associates prepared both the environmental portion of the Critical Areas Report and the mitigation planting plans associated with the project. See "Proposed Buffer Mitigation" section of CAR. I'm assuming this was meant for the Geotech? A plan review letter has been provided as noted above.](#)
5. The existing asphalt/gravel located in the watercourse buffer is legally nonconforming. Please speak to how the proposed driveway does not increase the existing nonconformity. Expanding footprint of the

driveway would be considered an increase of the existing nonconformity.

Please see MICC 19.01.050 for more information about legal non conformance. Per MICC 19.07.180(C)(2): Neither lot coverage nor hardscape shall be permitted within a watercourse or watercourse buffer except as specifically provided in this chapter.

RESPONSE: See email from 8/4 discussing this item. We propose that the fire access turnaround is a Life Safety issue and is covered under the following highlighted code section below:

MICC 19.01.050.H.3

Expansion of legal nonconforming use. Legal nonconforming uses shall not be expanded or enlarged; however, if the code official determines that expansion or enlargement of the use or an accessory use (including parking) or other site modifications would make the use more conforming to current code standards or is required by city ordinance, state law, or federal law and no new nonconformity is created it may be allowed. Expansion includes increasing the size of the structure in which the use occurs or enlarging the scope, volume, area or intensity of the use in a significant way.

Peer Review Geo:

1. The approval of CAO25-011 is contingent on the building permit (2504-064) approval. Only survey, tree protection and site plans were provided for review of the CAO25-011 permit.

RESPONSE: Comment noted.

2. The provided geotechnical report for CAO25-011 is dated May 21, 2024, and addresses previous site development components for 5330 Butterworth. Please have the geotechnical engineer of record provide a report addendum that addresses the current project and includes any additional subsurface information and analyses for the site. Reviewing just the May 2024 geotechnical information would result in similar comments provided for the previous site development (2405-053, 5330 Butterworth).

RESPONSE: The May 2024 Geotech report encompassed the entire 5330 site – which is now 5330 & 5320 Butterworth Rd. During the building permit review of 5330 (2405-053), a test pit was drilled to provide additional subsurface analysis and recommendations for the planned development of what is now 5320 & 5330. Similar to the previously approved plans for 5330, we are proposing any new foundations to be supported on pin piles per Geotech recommendations. I have included the Plan Review letter from the Geotech Engineer confirming plans are in line with their recommendations.

3. Upon final approval of the building permit, please have the geotechnical engineer of record review the plan set and provide a letter verifying whether the proposed development is in general conformance with their design and construction recommendations. Please also include an updated statement of risk in accordance with MICC 19.07.160.B.3.

RESPONSE: A current plan review letter has been provided and can be updated if required.

The City's processing of the CAR2 application has 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 August 27, 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,

Grace Manahan

Grace Manahan, Code Compliance Planner
City of Mercer Island Community Planning and Development
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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.