



December 3, 2025

Attn: Kim Nguyen
4649 Forest Ave SE
Mercer Island, WA 98040
Via: Email

RE: **CAO25-022, ADU25-014, & SHL25-032** Review Letter 1; 4649 Forest Ave SE, Mercer Island, WA 98040

Dear Kim Nguyen,

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, Accessory Dwelling Unit Permit, and Shoreline Exemption applications. The following issues need to be addressed in your resubmission:

Critical Area Review 2 (CAO25-022)

1. MICC 19.07.070 requires a disclosure and notice on title. The applicant shall disclose to the City the presence of critical areas on the development proposal site and any mapped or identifiable critical areas within the distance equal to the largest potential buffer applicable to the development proposal site. **Please provide this disclosure.** If one was recorded on this property under the expired permit, please submit a copy under the new file number.
2. MICC 19.07.110(B)(8) requires a description of mitigation sequencing implementation described in section 19.07.100, including steps taken to avoid and minimize critical areas impacts to the greatest extent feasible. **Please have a qualified professional provide a description of mitigation sequencing.** If this was provided under the expired permit, please submit it under the new file number.
3. MICC 19.07.110(B)(11) requires a post-design memorandum prepared by a qualified professional confirming that the proposed improvements comply with the design recommendations. **Please provide this memorandum.** If this was provided under the expired permit, please submit it under the new file number.

Geotech Review Comments from Michele Lorilla –

Background for comments:

The geotechnical report dated September 12, 2025 was provided in the SUB 1 SUPP package to address previous project comments under CAO24-030.

The results of the new soil explorations presented in the report were as follows:

“Exploration borings EB-1 and EB-2 both encountered about 4 feet of disturbed material in the upper portion of the borings.”

“Underlying this disturbed appearing soil was 9 to 12 feet of medium stiff to very stiff, gray silt with some sand to sandy silt with occasional pebbles and several small (1/2 inch thick) sand interbeds. Based on the density of this soil unit and lack of any organic material, we interpret this soil unit to be old landslide deposits from upslope sources and not lake deposits, as mapped on the published map for the area. This is in agreement with multiple studies in the area by others.”

The geotechnical engineer of record continues to recommend the use of shallow foundations on landslide deposits.

- 4. It continues to be our opinion that using shallow foundations supported on landslide deposits is not in conformance with the local geotechnical engineering standard of practice irrespective of size of the proposed development.** Due to the “reworked” nature of the landslide debris or unknown extent of “*areas of weaker soil conditions*”, it is unrealistic to accurately estimate foundation settlements over the lifespan of the structure. As such, the structural engineer cannot provide assurances that the proposed structure can accommodate these settlements, that are not quantifiable, without structural damage or worse, life safety issues over the design life of the structure.

The geotechnical engineer of record for this project indicated that the subsurface conditions at 4651 Forest Ave SE and 4661 Forest Ave SE “confirm our findings”. Both geotechnical engineers for those projects recommended the use of deep foundations to support the proposed structures.

- 5. The current design does not provide mitigation for the presence of the landslide deposits at the site and therefore, in our opinion, the design does not support the statement of risk given by the geotechnical engineer of record.**

In the geotechnical report dated January 30, 2024, the statement of risk on page 5 was:

"Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologically hazardous area and do not adversely impact adjacent properties."

- 6. Since the City of Mercer Island geotechnical reviewer and geotechnical engineer of record for this project continue to disagree on the design of the foundation system, the applicant can request, at their expense, an outside third-party review of the proposed project.** Please contact Gareth Reece at Gareth.reece@mercergov.org for information on how to proceed with a third-party review.

Alternatively, the project team can consider modifying the foundation design to account for the presence of landslide debris at the site.

Accessory Dwelling Unit (ADU25-014)

1. MICC 19.02.030(B)(9) provides parking standards for Accessory Dwelling Units. **Please demonstrate compliance with this section.**
2. MICC 19.02.040(C)(1) requires that the combined gross floor area for one or more accessory building(s) shall not exceed 25 percent of the total gross floor area allowed on a lot within applicable zoning designations pursuant to MICC 19.02.020. **Please demonstrate compliance with this standard.**

Shoreline Exemption (SHL25-032)

1. The Affidavit for Exemption from Substantial Development Permit must be recorded with the King County Recorder's Office. **Please provide a copy of the recorded document, or the recording number in your resubmittal.** If one was recorded on this property under the expired permit, please submit a copy under the new file number.

The City's processing of the Critical Area Review 2, Accessory Dwelling Unit, and Shoreline Exemption 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 February 1, 2026. 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
(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.