



TO: **City of Mercer Island**
Community Planning and Development
9611 SE 36th St
Mercer Island, WA 98040

FROM: **N5 Architecture**
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DATE: **January 27, 2026**

PROJECT #: **DEV25-020**

SITE ADDRESS: **5236 W Mercer Way**

REGARDING: **Project Revision Narrative**

To Whom It May Concern:

Please accept the permit corrections for the setback deviation for your review.

Please note that the setback deviation request has been revised from 7'-0" to 7'-6" per MICC 19.02.020.C.1.c.iii.a which requires a greater setback. The north wall is 8'-0" from the north property line and the roof overhang is at 7'-6".

Setback Deviation Code Compliance Narrative:

CORRECTION:

1.a: Please provide specific Policies and Provisions of the Comprehensive Plan in which the deviation is consistent with to demonstrate compliance with MICC 19.06.11.C.2.d:

RESPONSE:

ELEMENT 2 – LAND USE

III GROWTH FORECAST

Comprehensive Plan growth target for housing, in dwelling units, from 2024-2044 is 1,239 units.

Response:

The development of a new single-family dwelling provides for this growth and the setback deviation allows for reasonable development of a single-family dwelling while protecting environmentally sensitive areas.

IV: LAND USE ISSUES – OUTSIDE THE TOWN CENTER

1. The community needs to accommodate two important planning values; maintaining the island's existing single-family residential character, while planning for population and housing growth.



Response:

The development of a new single-family dwelling maintains the island's existing single-family residential character. The setback deviation does not deviate from the island's residential nature as it provides sufficient separation between the north property line and the existing dwelling on the adjacent parcel.

4. Ongoing protection of environmentally sensitive areas, including steep slopes, ravines, watercourses and shorelines, is an integral element of the community's residential character.

Response:

The setback deviation limits the impact on the wetland and wetland buffer while allowing for reasonable development. A setback deviation purpose per MICC 19.06.110 is "to increase protection of a critical area or critical area buffer". The setback deviation will maintain this integral element of the community's residential character.

V: LAND USE POLICIES

Goal 7.1: Preserve the neighborhood character in residential zones. For the purpose of implementing this element, neighborhood character only refers to the form, bulk, scale and intensity of the built environment.

Response:

The setback deviation does not impact the character in this particular residential zone or neighborhood. The deviation request places the façade of the dwelling 8' from the north property line. The required setback is 10'. The dwelling to the north is 45' north of the property line thus the two structures are separated by +/-53'. This reduced setback will be imperceptible due to the distance and existing vegetation. Additionally, the north façade of the proposed dwelling is partially submerged. The maximum height is to the ridge and is approximately 21'. At the NE corner the height is +/-11'-2" thus there will be minor visual impact due to limited bulk and scale.

Goal 8.2: Through zoning and land use regulations, provide adequate development capacity to accommodate Mercer Island's projected share of the King County population growth over the next 20 years.

Response:

The setback deviation per MICC 19.06.110 allows for reasonable development on the site to contribute to additional housing.

Goal 8.3: Promote a range of housing opportunities to meet the needs of people who work and desire to live on Mercer Island.

Response:

The setback deviations allows for a two story over basement dwelling, approximately 5,000 SF, which meets the needs of many persons living or those who desire to live on Mercer Island. A home of this size is not atypical on Mercer Island and the lot coverage and gross floor area allowable on this lot are well below zoning regulations within R-15 zoning.

NATURAL ENVIRONMENT POLICIES

Goal 10.4: The ecological function of watercourses, wetlands, and habitat conservation areas should be maintained and protected from the potential impacts associated with development.

Response:

The setback deviation limits the impact on the wetland and wetland buffer while allowing for reasonable development. A setback deviation purpose per MICC 19.06.110 is "to increase protection of a critical area or critical area buffer". The setback deviation will maintain the ecological function of the wetland and buffer.



ELEMENT 3 – HOUSING

OVERALL HOUSING STRATEGIES

Goal 1: Accommodate the Mercer Island housing target growth target and housing needs.

Response:

The setback deviation allows for reasonable development that will add a single-family dwelling to the Mercer Island housing stock to meet growth targets.

Goal 1.3:

Accommodate the Mercer Island housing growth target and housing needs by income level and

1.3.1: High Income – Continue to allow market rate single-family, moderate density and condominium housing.

Response:

The setback deviation will allow for construction of a market rate “High Income” dwelling that is typical of many dwellings on Mercer Island. By providing the setback deviation the proposed dwelling will better meet the definition of a High-Income market rate dwelling and is still well below allowable lot coverage and gross floor area within the R15 zone.

CORRECTION:

1.b: Provide more information regarding the associated approval of development of a single lot constrained by critical areas and buffers.

RESPONSE:

This particular development has undergone significant alterations related to the constraints of the adjacent wetland. The constraints have been amplified by the previous permit and construction legally completed under permit number 1709-196 (and associated permits) all which expired and the subsequent new submittal under permit 2501-218 and subject to current zoning code requirements. Of these current zoning code requirements, the increase in wetland buffer and reduction in allowable downhill façade height limitation have had the greatest impact on development potential. The site is further constrained by the construction work that was legally completed under the expired work and the desire to utilize this work (shoring) to limit further site disruption to the greatest extent possible. To accommodate the increased wetland buffer and downhill façade height limit restrictions the project is requesting a 2.5' setback deviation to allow for minor wetland buffer averaging and maintain the desired development.

It should be noted that the current building permit application has reduced the building area from 6,285 SF (under previous permit) to 5,045 SF. Additionally, the proposed structure is well below allowable Gross Floor Area (12,000 SF).

The approval for development on this parcel constrained by critical areas requires, in addition to building permit, a Critical Area Review and approval and the Setback Deviation requested to reduce impact on the wetland buffer and allow for reasonable development. The site will require extensive revegetation, including a significant number of trees, of the existing wetland, buffer and wetland addition required due to minor wetland buffer averaging.

The current development requires the following approvals, all of which are currently under review or awaiting corrections:

DEV25-020: Setback Deviation Permit

CA025-004: Critical Areas Permit

- Mitigation sequencing per 19.07.100 provided including Setback Deviation criteria.



2501-218: Building Permit

- Buffer Averaging indicated.
- Wetland Buffer addition indicated.
- Setback Deviation indicated.

CORRECTION:

1.c Provide a breakdown of the square footage of development within the critical area buffer and setback with and without the granting of the setback deviation to show the proposed deviation will result in less impact to critical areas or critical area buffers.

RESPONSE:

The development proposes to use both buffer averaging and setback deviation to reduce impact to wetland buffer. It should be further noted that the new development intends to utilize a portion of the shoring legally constructed under the previous expired permit to reduce further site intrusion. A portion of the previously installed shoring is not utilized as it falls within the larger wetland buffer that the current permit review is subject to.

Buffer averaging allows a reduction of 75% of requirements. In this case the 40' buffer may be reduced to 30'. While buffer averaging requires the buffer to equal the area (or double in this case) required without averaging the proposed area of buffer averaging is well below what is allowed and is even less when including a setback deviation as follows:

Allowed Buffer Averaging Area: 3,256 SF

Proposed Buffer Averaging Area: 703 SF

Floor Area within Setback Deviation Area: 109 SF

Proposed Buffer Averaging Area without setback Deviation: 812 SF

The proposed setback deviation results in less impact to the wetland critical area buffer. In addition to preserving more of the wetland buffer the setback deviation allows for use of the existing shoring further minimizing site excavation and intrusion.

Should you have any questions regarding these revisions please do not hesitate to contact us.

Thank you,

Seth Hale