
COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
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PUBLIC NOTICE OF HEARING EXAMINER DECISION

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

File No.: CAO22-018

Permit Type: Type III

Description of Request: A request for a Critical Area Review 2 for the upland, shoreline, in-water and overwater improvements of Luther Burbank Park.

Applicant/ Owner: Paul West (City of Mercer Island) / City of Mercer Island

Location of Property: 2048 84th Ave SE, Mercer Island, WA 98040
King County Assessor tax parcel number: 062405-9014

SEPA Compliance:

A Determination of Nonsignificance (DNS) has been issued concurrently with the approval of this shoreline substantial development permit 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 SEP22-019, issued on July 1, 2024.

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. The applicant requested consolidation of the Critical Area Review 2 with other Type IV land use reviews per MICC 19.15.030(F)(4), which allows for reviews heard by multiple decision bodies to be decided upon by the higher decision body. The decision for the Critical Area Review 2 was decided by the Hearing Examiner as the higher decision body.

Other Associated Permits: SHL22-023, SHL22-024, SHL22-025, SHL23-043, SHL23-044, SHL23-045

Project Documents: [https://mieplan.mercergov.org/public/Luther Burbank Park Waterfront Improvements Project/](https://mieplan.mercergov.org/public/Luther+Burbank+Park+Waterfront+Improvements+Project/)

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 Process Information:	Date of Application:	October 28, 2022
	Determined to Be Complete:	November 9, 2022
	Public Comment Period:	November 14, 2022 through 5:00 PM on December 15, 2022
	Date Notice of Decision Issued:	September 19, 2024
	Appeal Filing Deadline:	5:00 PM on October 14, 2024
Project Contact:	Molly McGuire, Senior Planner molly.mcguire@mercerisland.gov (206) 275-7712	