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## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040  
206.275.7605 | [www.mercerisland.gov/cpd](http://www.mercerisland.gov/cpd)



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## PUBLIC NOTICE OF HEARING EXAMINER DECISION

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**NOTICE IS HEREBY GIVEN** that a decision has been made by the Hearing Examiner for the applications described below:

**File Nos.:** SHL22-023, SHL22-024, SHL22-025, SHL23-043, SHL23-044, SHL23-045

**Permit Type:** Type III & IV

**Description of Request:** A request for a Shoreline Substantial Development Permit (SHL22-023), four (4) separate Shoreline Variance Requests (SHL22-024, SHL23-043, SHL23-044, and SHL23-045), and Shoreline Conditional Use Permit (SHL22-025) for the redevelopment of the upland, shoreline, in-water, and overwater improvements of Luther Burbank Park. The upland and shoreline improvements consist of waterfront plaza renovations and access upgrades, shoreline and beach enhancements, waterfront LID, and irrigation intake system installation. The in-water and overwater improvements consist of north dock repairs, central and south dock reconfiguration, an overwater access platform, and buoys.

**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 MICC 19.15.030(F) Table A, applications for Shoreline Conditional Use Permit and Shoreline Variance approvals are required to be processed as Type IV land use reviews with a decision by the Hearing Examiner. Applications for Shoreline Substantial Development Permits are required to be processed as Type III land use reviews with administrative decisions. Processing requirements for Type IV reviews are further detailed in MICC 19.15.030(F) Table B. MICC 19.15.030(F)(4) allows for reviews heard by multiple decision bodies to be decided upon by the higher decision body. Review criteria for Shoreline Conditional Use Permits is in WAC 173-27-160, Shoreline Variances is in WAC 173-27-170, Shoreline Substantial Development Permits is in MICC 19.13.050, and Critical Area Review 2 is in MICC 19.07.

**Other Associated Permits:** CAO22-018

**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:** Recommend approval of SHL22-023, SHL22-024, SHL22-025, SHL23-043, SHL23-044, SHL23-045 to the Washington State Department of Ecology 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.

The ultimate decision by the Washington State Department of Ecology on the enumerated Shoreline Management Act applications is final subject to the right of appeal to the State Shoreline Hearings Board. Please see RCW 90.58.180 and Chapter 173-27 WAC for guidance regarding appeal procedures.

<b>Application Process Information:</b>	Date of Initial Application:	October 28, 2022
	Determined all Applications to Be Complete:	September 27, 2023
	Public Comment Period:	November 14, 2022 through 5:00 PM on December 15, 2022 and October 2, 2023 through 5:00 PM on November 3, 2023
	Date Notice of Decision Issued:	September 19, 2024
	Appeal Filing Deadline:	NA

**Project Contact:** Molly McGuire, Senior Planner  
molly.mcguire@mercerisland.gov | (206) 275-7712