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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)



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## STAFF REPORT

### SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

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<b>Project No.:</b>	SHL24-018
<b>Description:</b>	A request for a Shoreline Substantial Development Permit with SEPA Review for the installation of one (1) new boat lift, one (1) new dock mounted PWC lift and the removal of one (1) mooring pile.
<b>Applicant / Owner:</b>	Kelsey Meyer (Emerald City Permit Company) / Grant and Natasha Garcia
<b>Site Address:</b>	4327 Forest Ave SE, Mercer Island, WA 98040; Identified by King County Assessor tax parcel number 936570-0344.
<b>Zoning District:</b>	R-15
<b>Staff Contact:</b>	Grace Manahan, Code Compliance Planner
<b>Exhibits:</b>	<ol style="list-style-type: none"><li>1. Development Application, received by the City of Mercer Island on July 18, 2024</li><li>2. Development Plan Set, dated June 18, 2025 and received June 22, 2025</li><li>3. Project Narrative, received July 18, 2024</li><li>4. SEPA Checklist, received July 18, 2024</li><li>5. Determination of Complete Application, dated January 24, 2025</li><li>6. Notice of Application for SHL24-018 &amp; SEP24-011, dated February 3, 2025</li><li>7. Ecological No Net Loss Assessment Report prepared by Northwest Environmental Consulting, LLC, dated January 2025 and received January 16, 2025</li><li>8. Public Comment received, dated March 5, 2025</li><li>9. Response to Public Comment, received June 22, 2025</li><li>10. SEPA Determination of Nonsignificance Issued by the City of Mercer Island on August 18, 2025</li><li>11. Notice of Decision Issued by the City of Mercer Island on September 3, 2025</li></ol>

## INTRODUCTION

### I. Project Description

The applicant has requested approval of a Shoreline Substantial Development Permit for the installation of one new boat lift, one new dock mounted PWC lift and the removal of one mooring pile.

The proposal consists of the following components:

1. A request to install one new boat lift, one new dock mounted PWC lift and the removal of one mooring pile subject to the standards of Mercer Island City Code (MICC) 19.15.050(F)(3).

## II. Site Description and Context

1. The proposed activity is to occur at 4327 Forest Ave SE, Mercer Island, WA 98040. The site is designated zone R-15 in the Urban Residential Shoreline Environment Designation on Mercer Island in Lake Washington pursuant to Appendix F of Title 19 of the Mercer Island City Code and described in MICC 19.13.030(B). Adjacent properties are within the R-15 zone and contain residential uses.

### Terms used in this staff report:

Term	Refers to, unless otherwise specified:
Applicant	Kelsey Meyer/Emerald City Permit Company
Proposed development	To install one new boat lift, one new dock mounted PWC lift and the removal of one mooring pile.
Subject property, site	The subject property or site where the proposed development is located as defined in this staff report
City	City of Mercer Island
MICC	Mercer Island City Code
Code Official	City of Mercer Island Community Planning and Development Director or a duly authorized designee
OHWL	Ordinary high water mark.

## Findings of Fact & Conclusions of Law

### III. Application Procedure

1. The application for a Shoreline Substantial Development Permit was received by the City of Mercer Island on July 18, 2024. The application was determined to be complete on January 24, 2025 (**Exhibit 5**).
2. Under MICC 19.15.030, Table A, applications for Shoreline Substantial Development Permits must undergo Type III review. Type III reviews require notice of application (discussed below). A notice of decision is issued once the project review is complete.
3. The City of Mercer Island provided public notice of application for this Shoreline Substantial Development Permit, as set forth in MICC 19.15.090 (**Exhibit 6**). The comment period for the public notice period lasted for 30 days, from February 3, 2025 to March 5, 2025. The following methods were used for the public notice of application:
  - 1) A mailing sent to neighboring property owners within 300 feet of the subject parcel.
  - 2) A sign posted on the subject parcel.
  - 3) A posting in the City of Mercer Island’s weekly permit bulletin.
4. One public comment was received (**Exhibit 8**). The applicant provided a response to the public comment, contained in **Exhibit 9**.

#### IV. State Environmental Policy Act (SEPA)

A Determination of Nonsignificance (DNS) was issued on August 18, 2025, following the DNS process per Washington Administrative Code (WAC) 197-11-340 (**Exhibit 10**). The SEPA application is identified by City of Mercer Island project number SEP24-011.

#### V. Consistency with the Shoreline Master Program and Land Development Code

1. MICC 19.13.050(A) states overwater uses and structures, and uses and structures 25 feet landward from the OHWM, which were legally created may be maintained, repaired, renovated, remodeled and completely replaced to the extent that nonconformance with the standards and regulations of this chapter is not increased.

**Staff Analysis:** The existing dock width is non-conforming and was established in 2000 under shoreline permit SHL0006-004 and building permit 0006-158. The existing dock is approximately 10 feet wide within the first 30 feet waterward of the OHWM and approximately 15 feet wide beyond 30 feet from the OHWM, both widths are nonconforming to the width standard in MICC 19.13.050(D). There is an existing finger and boat lift on the side of the dock south of the lateral line that is not included in the proposed project. Any proposal to modify, alter, or replace this existing finger or boat lift must also demonstrate that they were legally established. The proposed development does not propose any alteration to the existing dock and would not increase the existing nonconformance; therefore, this standard is met.

2. MICC 19.02.050(B) states expansions of legal nonconforming overwater structures and structures upland 25 feet from the OHWM are permitted; provided, that the expanded portion of the structure is constructed in compliance with this chapter and all other standards and provisions of the Mercer Island development regulations, including this chapter.

**Staff Analysis:** The existing dock width is non-conforming and was established under shoreline permit SHL0006-004 and building permit 0006-158. The existing dock is approximately 10 feet wide within the first 30 feet waterward of the OHWM and approximately 15 feet wide beyond 30 feet from the OHWM, both widths are nonconforming to the width standard in MICC 19.13.050(D). There is an existing finger and boat lift on the side of the dock south of the lateral line that is not included in the proposed project. Any proposal to modify, alter, or replace this existing finger or boat lift must also demonstrate that they were legally established. The proposed development does not propose any increase in existing nonconformance; therefore, this standard does not apply.

3. MICC 19.13.050(D), Table D lists requirements for moorage facilities and development located waterward from the OHWM:

- a. Moorage facilities may be developed and used as an accessory to dwellings on shoreline lots. Only one noncommercial, residential moorage facility per upland residential waterfront lot authorized.

**Staff Analysis:** The existing moorage facility on the upland residential waterfront lot is the only moorage facility; therefore, this standard is met.

- b. Setbacks for all moorage facilities, covered moorage, and floating platforms shall be 10 feet from the lateral line, except where the moorage facility is built pursuant to the agreement between adjoining property owners.

**Staff Analysis:** The proposed boatlift would be located greater than 10 feet from the lateral line (**Exhibit 2**); therefore, this standard is met.

- c. Setbacks for boat ramps and other facilities for launching boats by auto or hand, including parking and maneuvering space, shall be 25 feet from any adjacent private property line.

**Staff Analysis:** The proposed development does not include a boat ramp or other facilities for launching boats by auto or by hand; therefore, this standard does not apply.

- d. The length or maximum distance from the OHWM for moorage facilities, covered moorage, boatlifts and floating platforms shall be a maximum of 100 feet. In cases where water depth is less than 11.85 feet below the OHWM, length may extend up to 150 feet or to the point where water depth is 11.85 feet at OHWM, whichever is less.

**Staff Analysis:** The proposed boat lift and dock mounted PWC lift would not extend further from the OHWM than the existing moorage facility, which is less than 100 feet in length from the OHWM; therefore, this standard is met.

- e. The width of docks within 30 feet waterward from the OHWM shall be a maximum of 4 feet. This maximum width may increase to 5 feet if one of the following is met:

- Water depth is 4.85 feet or more, as measured from the OHWM.
- A moorage facility is required to comply with Americans with Disabilities Act (ADA) requirements.
- A resident of the property has a documented permanent state disability as defined in WAC 308-96B-010(5).
- The proposed project includes mitigation option A, B or C listed in Table E; and for replacement actions, there is either a net reduction in overwater coverage within 30 feet waterward from the OHWM, or a site-specific report is prepared by a qualified professional demonstrating no net loss of ecological function of the shorelands. Moorage facility width shall not include pilings, boat ramps and lift stations.

**Staff Analysis:** The existing dock is nonconforming to MICC 19.13.050(D) with a dock width of approximately 10 feet within 30 feet waterward from the OHWM. The proposed development does not propose any alteration to the existing dock and would not increase the width of the legally nonconforming dock within 30 feet waterward from the OHWM; therefore, this standard does not apply.

- f. The width of moorage facilities more than 30 feet waterward from the OHWM shall be a maximum of 6 feet. Moorage facility width shall not include pilings, boat ramps and boatlifts.

**Staff Analysis:** The existing dock is nonconforming with a dock width of approximately 15 feet greater than 30 feet waterward from the OHWM. The proposed development does not propose any alteration to the existing dock and the proposed development would not increase the width of the legally nonconforming dock greater than 30 feet waterward from the OHWM; therefore, this standard does not apply.

- g. The maximum height limits for walls, handrails and storage containers located on piers shall be 3.5 feet above the surface of a dock or pier. Ramps and gangways designed to span the area between 0 and 30 feet from the OHWM may be 4 feet above the surface of the dock or pier.

**Staff Analysis:** The proposed development does not include walls, handrails, or storage containers; therefore, this standard does not apply.

- h. The height limit for mooring piles, diving boards and diving platforms shall be 10 feet above the elevation of the OHWM.

**Staff Analysis:** The proposed development includes the removal of one existing mooring pile and does not include new mooring piles, diving boards or diving platforms; therefore, this standard does not apply.

- i. Minimum water frontage for docks on single-family lots is 40 feet; two shared lots is 40 feet combined; and semi-private recreational tracts depend on the number of families.

**Staff Analysis:** The existing moorage facility is located between two shared lots with a water frontage greater than 40 feet; therefore, this standard is met.

- j. Covered moorage is permitted on single-family residential lots subject to the following:
  - i. Maximum height above the OHWM: 16 feet; 16 to 21 feet subject to criteria of MICC 19.13.050(E)(1).
  - ii. Location/area requirements: The covered portion of a moorage shall be restricted to the area lying within a triangle as illustrated in Figure A (MICC 19.13.050(E)), except as otherwise provided in subsection (E)(1) of this section.
  - iii. A covered moorage is allowed outside the triangle, or a canopy up to 21 feet in height, if the covered moorage meets all other regulations and:
    - Will not constitute a hazard to the public health, welfare, and safety, or be injurious to affected shoreline properties within the vicinity;
    - Will constitute a lower impact for abutting property owners; and
    - Is not in conflict with the general intent and purpose of the SMA, the shoreline master program and the development code.
  - iv. Building area: 600 square feet; however, a covered moorage may be built larger than 600 square feet within the triangle subject to a shoreline conditional use permit.
  - v. Covered moorage shall have open sides.
  - vi. Prohibited in semi-private recreational tracts and noncommercial recreational areas.
  - vii. Translucent coverings are required.

**Staff Analysis:** The proposed development does not include covered moorage; therefore, these standards do not apply.

4. MICC 19.13.050(F) states that all permits for new and expanded moorage facility, other than public access piers or boardwalks, shall meet the following standards unless otherwise exempted. Moorage facilities have the option of meeting either the development standards prescribed in subsection (F)(1) or (F)(2) of this section, or the “alternative development standards” in subsection (F)(3) of this section.

**Staff Analysis:** The applicant has requested that the proposed development be reviewed under MICC 19.13.050(F)(3) for alternative development standards.

5. MICC 19.13.050(F)(3) lists alternative development standards for new or expanded moorage facilities. The code official shall approve moorage facilities not in conformance with the development standards in subsection (F)(1) or (F)(2) of this section subject to both U.S. Army Corps of Engineers and Washington Department of Fish and Wildlife approval to an alternate project design. The following requirements and all other applicable provisions in this chapter shall be met:
  - a. The dock must be no larger than authorized through state and federal approval.
 

**Staff Analysis:** As conditioned, the applicant must obtain any applicable permits for this project from federal and state agencies prior to building permit issuance; therefore, this standard will be met.
  - b. The maximum width must comply with the width of moorage facilities standards specified in subsection D of this section (Table D).
 

**Staff Analysis:** The existing dock width is non-conforming and was established under shoreline permit SHL0006-004 and building permit 0006-158. The proposed development does not alter the width of the existing moorage facility ; therefore, this standard does not apply.
  - c. The minimum water depth must be no shallower than authorized through state and federal approval.
 

**Staff Analysis:** As conditioned, the applicant must obtain any applicable permits for this project from federal and state agencies prior to building permit issuance; therefore, this standard will be met.
  - d. The applicant must demonstrate to the code official's satisfaction that the proposed project will not create a net loss in ecological function of the shorelands.
 

**Staff Analysis:** The applicant submitted an Ecological No Net Loss Assessment Report, prepared by Northwest Environmental Consultants, Inc. (**Exhibit 7**) that demonstrates the proposed project will not create a net loss in ecological function of the shorelands; therefore, this standard is met.
  - e. The applicant must provide the city with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.
 

**Staff Analysis:** As conditioned, the applicant must obtain any applicable permits for this project from federal and state agencies prior to building permit issuance; therefore, this standard will be met.

#### CONDITIONS OF APPROVAL

1. The project proposal shall be in substantial conformance with **Exhibit 2** and all applicable development standards contained within Mercer Island City Code (MICC) Chapter 19.13.
2. The applicant shall obtain any permits from state and federal agencies that are applicable to this project. The applicant is also responsible for documenting any required changes in the project proposal due to conditions imposed by any applicable local, state and federal government agencies.
3. Construction shall not be authorized, nor may begin within twenty-one days of the date of filing of the decision as defined in RCW 90.58.140(6).

4. A City of Mercer Island Building Permit may be required for construction of this project proposal. The Building Official may require an appropriate performance bond in an amount to be determined prior to Building Permit issuance to ensure all required vegetation installation is completed in compliance with applicable code requirements.
5. Construction of this project proposal shall only occur during approved fish windows by local, state, and/or federal government agencies. The applicant is responsible for obtaining permit approvals from all state and federal agencies.
6. Construction of this project proposal shall only occur during approved construction hours by the City of Mercer Island and/or as otherwise restricted by the Building Official.
7. The applicant shall provide the City with documentation of approval of the project from the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife. This documentation shall be received by the City prior to issuance of building permits for this project.
8. The applicant shall provide the City with an updated sewer lake line affidavit prior to **building permit issuance**. The affidavit shall state that the applicant has field located the sewer lake line and the location on the site plan (as revised) is the actual location within Lake Washington. The affidavit shall acknowledge that the applicant is responsible for any damages to the sewer lake line caused by the construction. **Please note:** Damage can occur from pile driving, grounding the barge or securing it with vertical steel shafts (spuds), and other possible impacts from the project.
9. The applicant shall provide the City with development plans that reflect the field verified location of the sewer lake line pre-construction prior to **permit issuance**. If the lakebed is being disturbed, please contact Fish and Wildlife and the U.S. Army Corps of Engineers, as a permit may be required. **Please note:** Field verification should be performed with due care as the sewer lake line is pressurized in some locations and the pipe material could be prone to damage.

The applicant shall provide development plans based upon a pre-construction field survey locating the sewer lake line, and shall deliver the results to the City in one of the formats listed below, ranked from top to bottom, (a) being the top preferred method:

- a. A hand-drawn or plotted as-built of the lake line location with accurate distance measurements to multiple visible and permanent reference points. Reference points can include dock corners, utilities, structures, stairs, etc.
- b. A CAD file including the lake line and surveyed area in WGS-1984 or Washington State Plane North coordinate systems.
- c. A CAD file including the lake line and surveyed area in an assumed coordinate system, including multiple visible and permanent reference points.
- d. A list of coordinates denoting the lake line location, in WGS-1984 or Washington State Plane North coordinate systems.
- e. If none of the above options are viable, the City will consider reasonable efforts to provide field verification of the sewer lake line. Possible constraints that may make field verification nonviable includes, but is not limited to, the following: if the sewer pipe is too deep to locate or if there are fish window constraints.

If a coordinate system is used, the survey must be performed using high accuracy GPS or total station (half-foot accuracy). This **excludes** cellphone or handheld GPS surveys.

10. The applicant shall inform the Mercer Island Maintenance Department at (206) 275-7608 of the anticipated start date of in-water work prior to commencement of construction.
11. Piles, floats or other structures in direct contact with water shall not be treated or coated with toxic substances harmful to the aquatic environment. Chemical treatment of structures shall comply with all applicable state and federal regulations. Any pollutants entering Lake Washington shall be reported immediately to the Department of Ecology. N.W. Regional Office: (425) 649-7000 and the City of Mercer Island (206) 275-7605.
12. Construction or substantial progress toward construction of a development for which a permit has been granted must be undertaken within two years after the approval of the permit or the permit shall terminate. The code official shall determine if substantial progress has been made. A single extension before the end of the time limit, with prior notice to parties of record, for up to one year, based on reasonable factors may be granted.

#### **DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE**

1. The applicant is responsible for obtaining any required permits or approvals from the appropriate Local, State, and Federal Agencies. The applicant is responsible for meeting the conditions are required by the agencies pursuant to MICC 19.13.010(E) and 19.13.040.
2. All required permits must be obtained prior to the commencement of construction.

#### **DECISION**

Based upon the above noted Findings of Fact and Conclusions of Law, Shoreline Substantial Development Permit application SHL24-018, as depicted in **Exhibit 2**, is hereby **APPROVED**. This decision is final, unless appealed in writing consistent with adopted appeal procedures, MICC 19.15.130(A), and all other applicable appeal regulations.

**Approved this 3rd day of September, 2025**



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**Grace Manahan**  
**Code Compliance Planner**  
**Community Planning & Development**  
**City of Mercer Island**

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



### CITY USE ONLY

PROJECT#

RECEIPT #

FEE

Date Received:

Received By:

### DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION		ZONE
COUNTY ASSESSOR PARCEL #'S		PARCEL SIZE (SQ. FT.)
PROPERTY OWNER (required)	ADDRESS (required)	CELL/OFFICE (required) E-MAIL (required)
PROJECT CONTACT NAME	ADDRESS	CELL/OFFICE E-MAIL
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

**DECLARATION:** I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Zion Napier*  
SIGNATURE

DATE

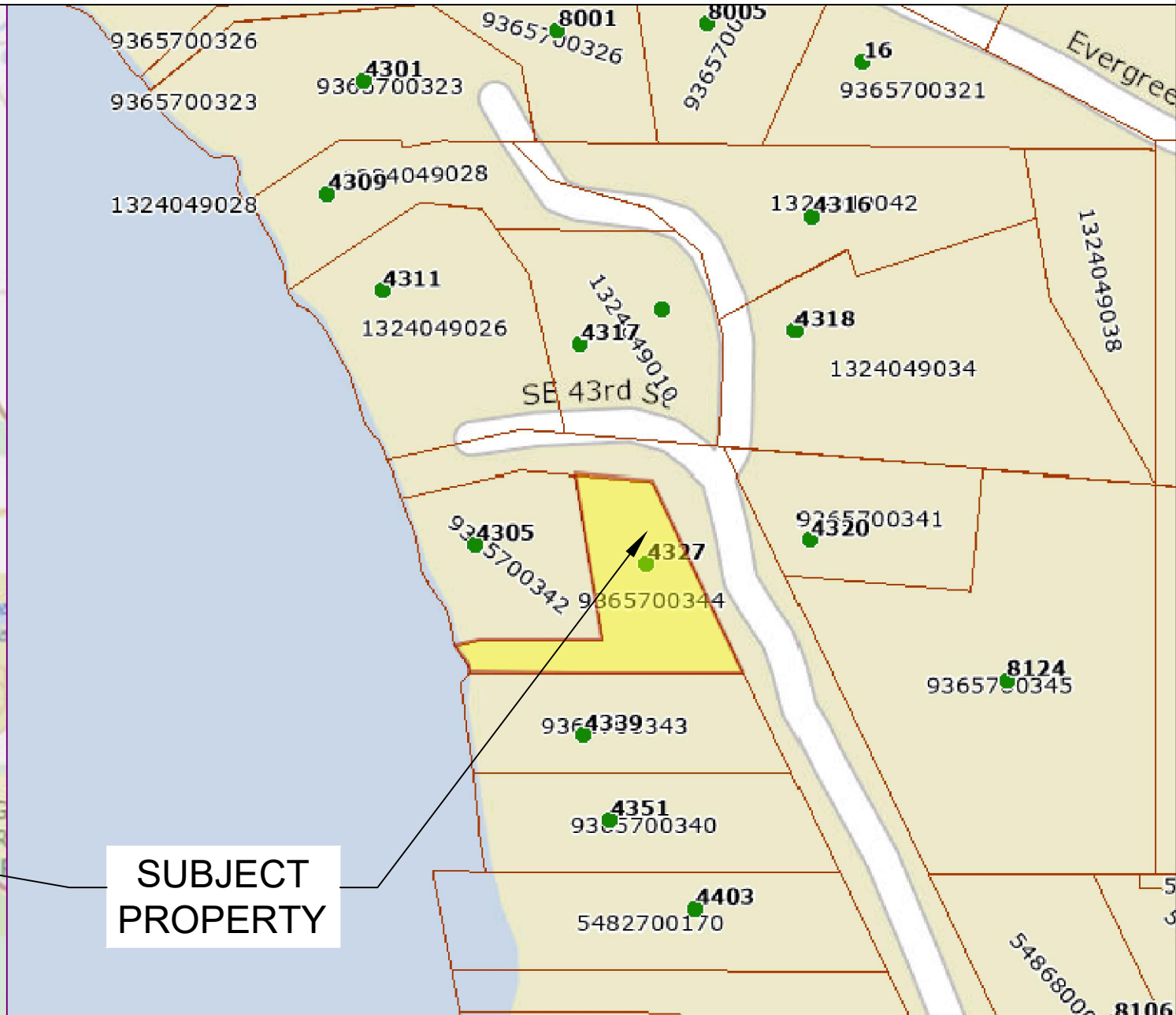
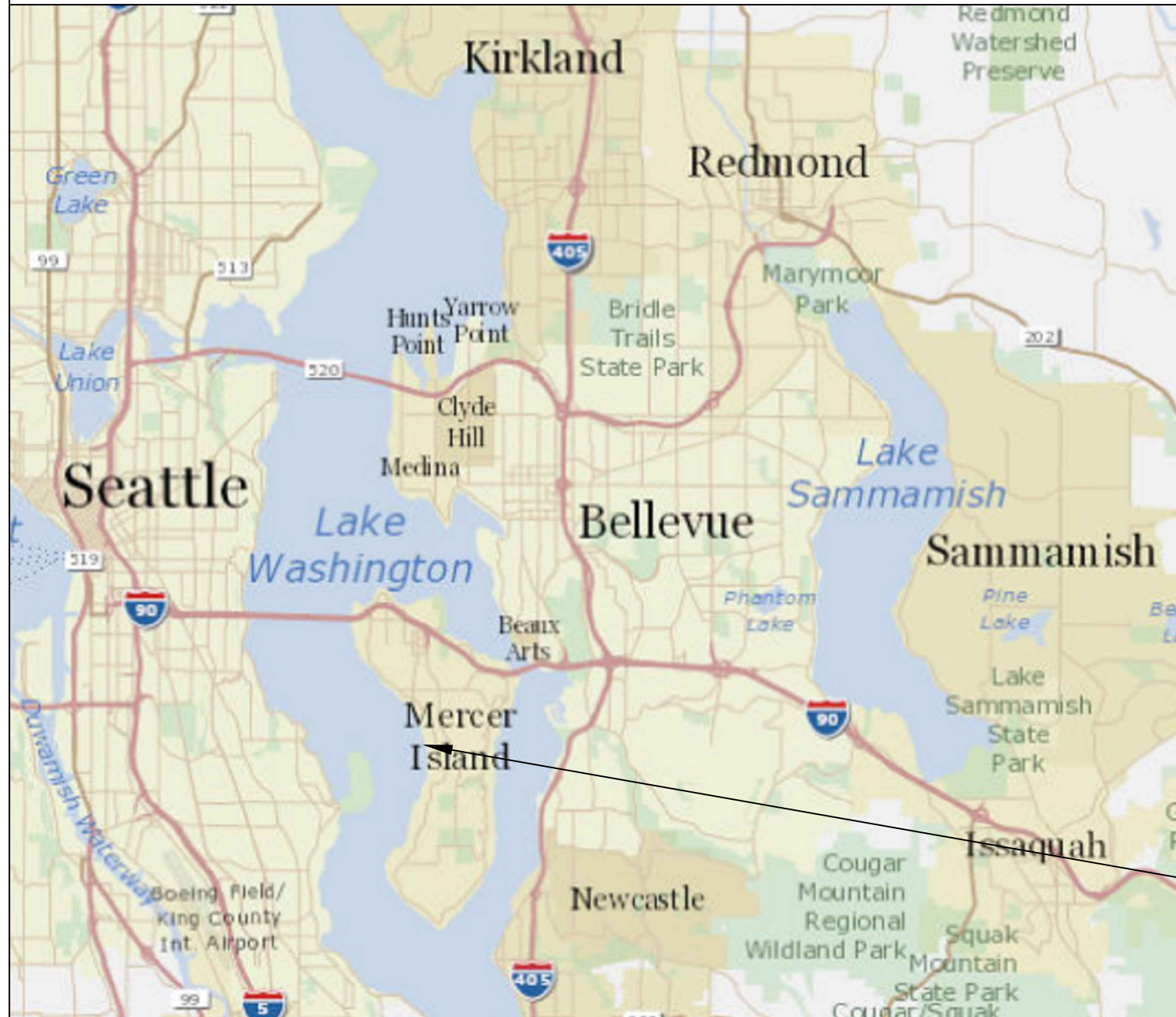
**PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL** (PLEASE USE ADDITIONAL PAPER IF NEEDED):

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

**CHECK TYPE OF LAND USE APPROVAL REQUESTED:**

CRITICAL AREAS	ENVIRONMENTAL REVIEW (SEPA)	SUBDIVISION
<input type="checkbox"/> Critical Area Review 1	<input type="checkbox"/> SEPA Review	<input type="checkbox"/> Short Plat- Preliminary
<input type="checkbox"/> Critical Area Review 2	<input type="checkbox"/> Environmental Impact Statement	<input type="checkbox"/> Short Plat- Alteration
		<input type="checkbox"/> Short Plat- Final Plat
DESIGN REVIEW		<input type="checkbox"/> Long Plat- Preliminary
<input type="checkbox"/> Design Review – Signs	LEGISLATIVE	<input type="checkbox"/> Long Plat- Alteration
<input type="checkbox"/> Design Review – Code Official	<input type="checkbox"/> Code Amendment	<input type="checkbox"/> Long Plat- Final Plat
<input type="checkbox"/> Design Commission Study Session	<input type="checkbox"/> Comprehensive Plan Docket Application	<input type="checkbox"/> Lot Line Revision
<input type="checkbox"/> Design Commission Review – Exterior Alteration	<input type="checkbox"/> Comprehensive Plan Application (If Docketed)	
<input type="checkbox"/> Design Commission Review – Major New Construction	<input type="checkbox"/> Rezone	
	OTHER LAND USE	
	<input type="checkbox"/> Accessory Dwelling Unit	
	<input type="checkbox"/> Code Interpretation Request	
	<input type="checkbox"/> Conditional Use (CUP)	WIRELESS COMMUNICATION FACILITIES
<input type="checkbox"/> Deviations to Antenna Standards – Code Official	<input type="checkbox"/> Noise Exception Type I - IV	<input type="checkbox"/> New Wireless Communication Facility
<input type="checkbox"/> Deviations to Antenna Standards – Design Commission	<input type="checkbox"/> Other Permit/Services Not Listed	<input type="checkbox"/> Wireless Communications Facilities- 6409 Exemption
<input type="checkbox"/> Public Agency Exception	SHORELINE MANAGEMENT	<input type="checkbox"/> Small Cell Deployment
<input type="checkbox"/> Reasonable Use Exception	<input type="checkbox"/> Shoreline Exemption	<input type="checkbox"/> Height Variance
<input type="checkbox"/> Variance	<input type="checkbox"/> Shoreline Substantial Development Permit	
<input type="checkbox"/> Seasonal Development Limitation Waiver – Wet Season Construction Approval	<input type="checkbox"/> Shoreline Variance	
	<input type="checkbox"/> Shoreline Conditional Use Permit	
	<input type="checkbox"/> Shoreline Permit Revision	

# SITE PLAN



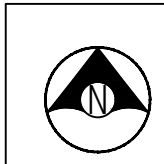
**SUBJECT  
PROPERTY**

Pin: 936570-0344

Legal Description: WHITES HARRY PLAT E SEATTLE AC TR BEG AT INTSN OF S 150 FT SD TR WITH SWLY LN OF 80TH AVE SE TH NWLY TO SLY LN SE 43RD PL TH NWLY 59.62 FT TH S 09-50-20 E TO PT 175 FT N OF S LN TH N 89-54-07 W TO GOV MDR LN TH SELY ALG SD LN TO PT 150 FT N OF S LN EXTND W TO BEG LESS CONC PATIO IN SHAPE OF A TRIANGLE THAT IS 4.90 FT WIDE AT THE BASE AND AT THE WATER LN & EXTD ELY 19.50 FT TAP WHERE IT INTERSECTS PLANTIFFS SOUTH PROP LN TGW ROCK & CONC BULKHEAD & RETAINING PIER ON WCH THE HOIST IS LOCATED ACDG TO KING COUNTY S.C.C. NO 81-2-00149-1 DATED 10-01-1986 & SH LDS ADJ

Plat Block:  
Plat Lot: 23

Parcel LAT: 47.56794 LONG: -122.23275	Dock LAT: 47.567783 LONG: -122.233243
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Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119

Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile. We will also be including the existing boat lift on the other side of the dock to bring it into conformance.

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04  
Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040  
SPAUNHURST EDWIN N+DIANE J  
4305 FOREST AVE SE 98040

**SHEET  
1.0**

NWS-2024-632  
PAGE 1 OF 7

Last Updated: 6/18/2025 11:17 PM Kelse

Created: 4/09/24

# GENERAL NOTES:

## MATERIALS SPEC LIST:

### **Boat Lifts:** Aluminum

- \* Basta 9,500 lift - 120" x 143"
- \* Dock Mounted PWC Lift

## CODE REFERENCES: Mercer Island

### **We are applying for the permit to be reviewed under the:**

**“Alternative Development Standards” per MICC 19.13.050(F)(3).**

The code official shall approve moorage facilities not in compliance with the development standards in subsection (F)(1) or (F)(2) of this section subject to both U.S. Army Corps of Engineers and Washington Department of Fish and Wildlife approval to an alternate project design. The following requirements and all other applicable provisions in this chapter shall be met:

i. The dock must be no larger than authorized through state and federal approval; Ch. 19.13 Shoreline Master Program | Mercer Island City Code Page 30 of 34 The Mercer Island City Code is current through Ordinance 20C-13, passed June 16, 2020.

### **The dock will not be altered.**

ii. The maximum width must comply with the width of moorage facilities standards specified in standards specified in subsection D of this section (Table D);

### **The dock will not be altered.**

iii. The minimum water depth must be no shallower than authorized through state and federal approval;

### **The dock will not be altered.**

iv. The applicant must demonstrate to the code official's satisfaction that the proposed project will not create a net loss in ecological function of the shorelands; and

### **See attached NNL.**

v. The applicant must provide the city with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.

### **Approval from WDFW and the Army CORPS of Engineers will be attached.**

Last permit issued for property: 2309-061 11/13/23

Dock established/constructed: 78225 8/30/78



Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119

Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile. We will also be including the existing boat lift on the other side of the dock to bring it into conformance.

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040

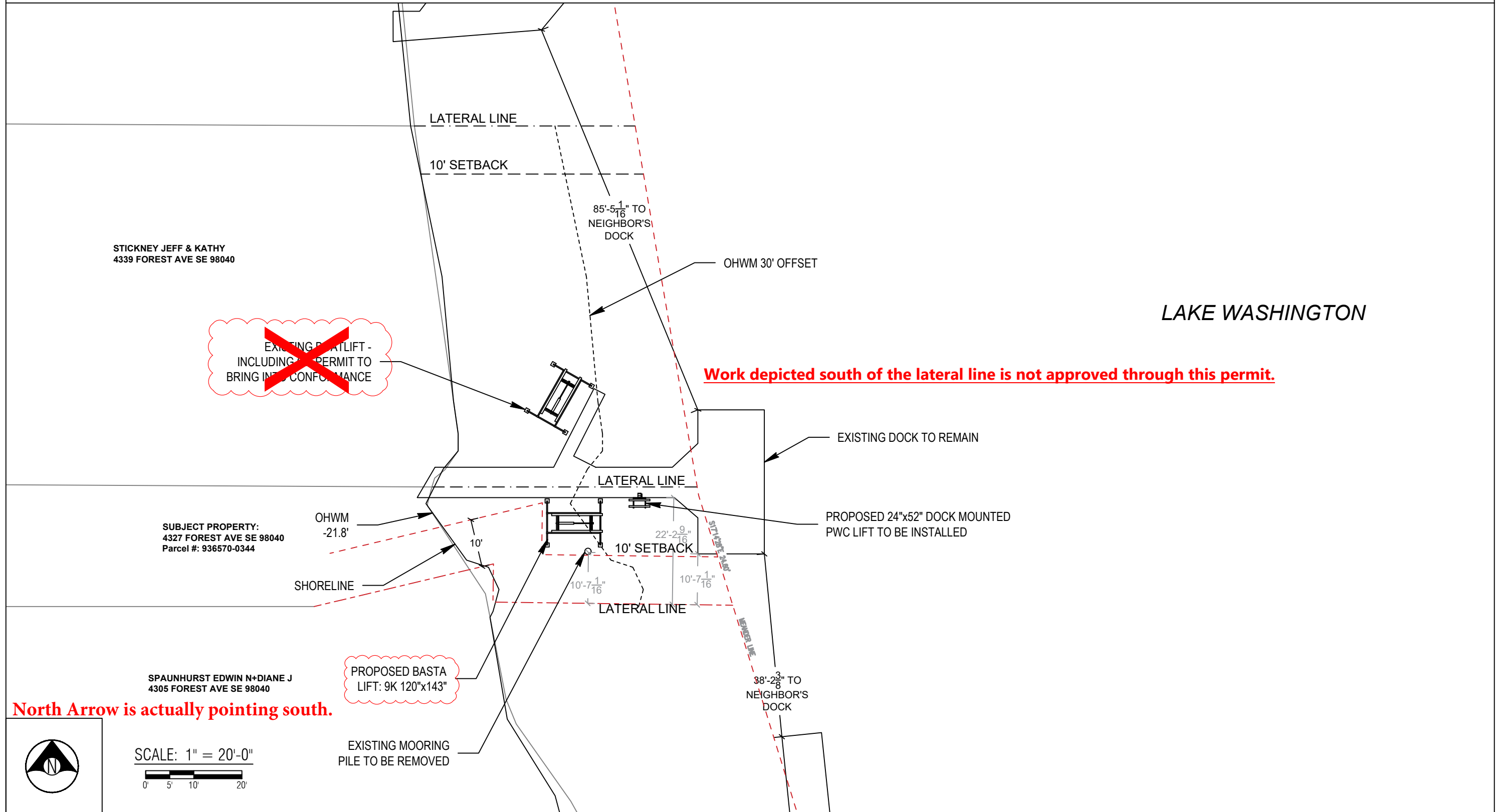
Last Updated: 6/18/2025 11:17 PM Kelse

Created: 4/09/24

**SHEET  
2.0**

# EXISTING/PROPOSED CONDITIONS

**\*\*CLEAN UP LAKE AROUND PROJECT\*\***



Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Adjacent Owners:  
STICKNEY JEFF & KATHY  
4339 FOREST AVE SE 98040  
SPAUNHURST EDWIN N+DIANE J  
4305 FOREST AVE SE 98040

Last Updated: 6/18/2025 11:17 PM Kelse  
Created: 4/09/24



Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119  
Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

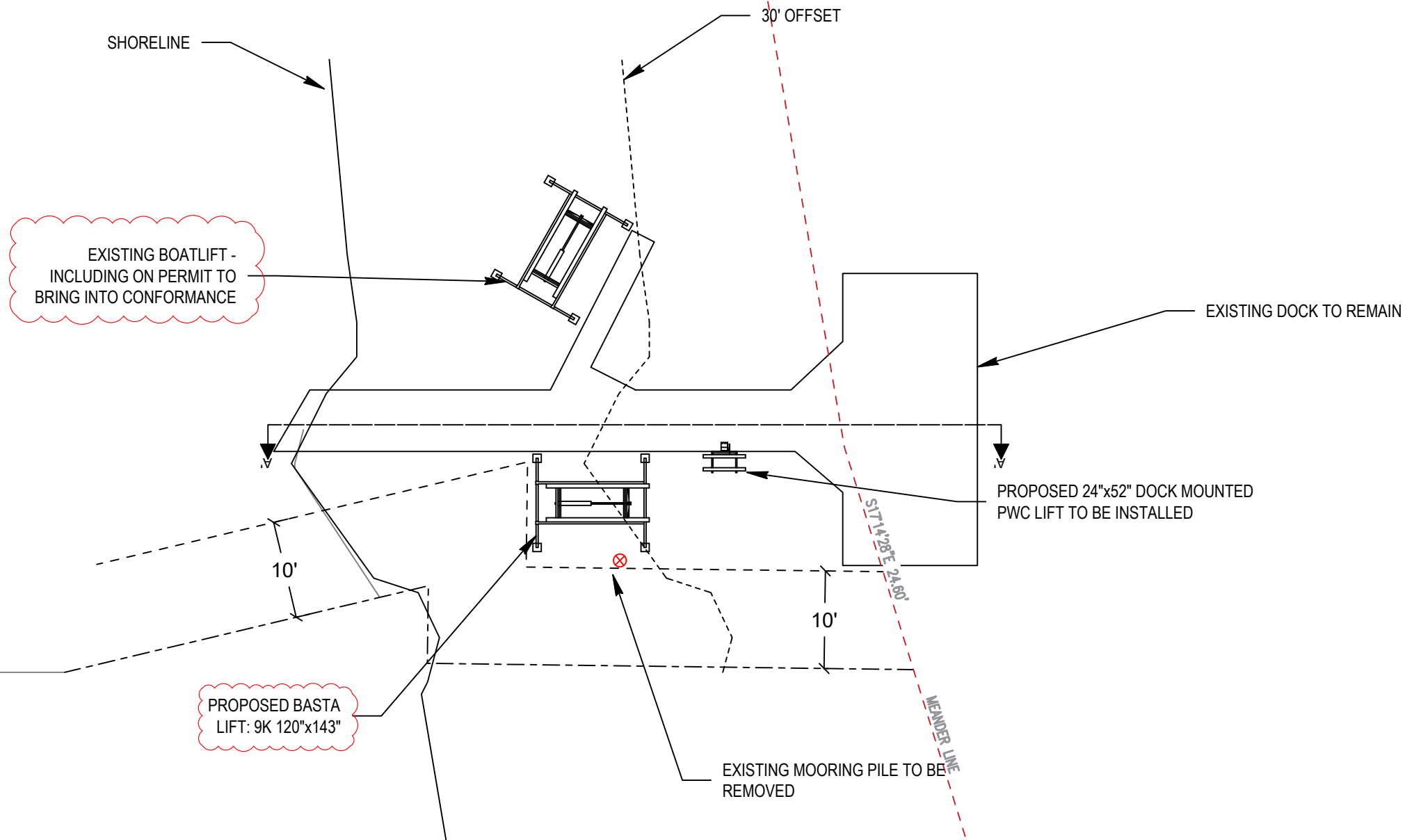
Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile. We will also be including the existing boat lift on the other side of the dock to bring it into conformance.

**SHEET  
3.0**

# PIER DETAILS - EXISTING/PROPOSED PLAN VIEW

## LEGEND

⊗ (1) 12" EXISTING MOORING PILE - TO BE REMOVED



PLAN VIEW



Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119

Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile. We will also be including the existing boat lift on the other side of the dock to bring it into conformance.

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040

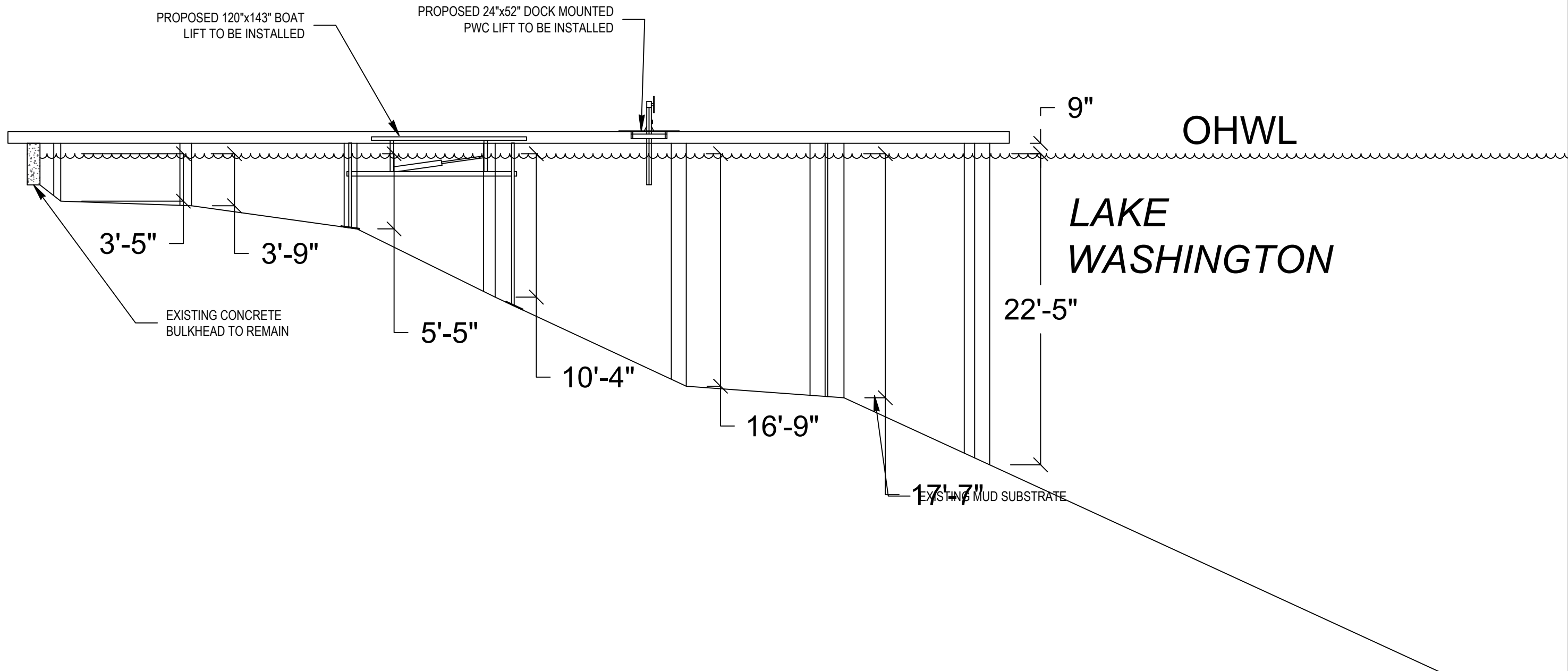
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Created: 4/09/24

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NWS-2024-632  
PAGE 4 OF 7

# PIER DETAILS EXISTING/PROPOSED - SECTION VIEW



SECTION VIEW: A'-A'



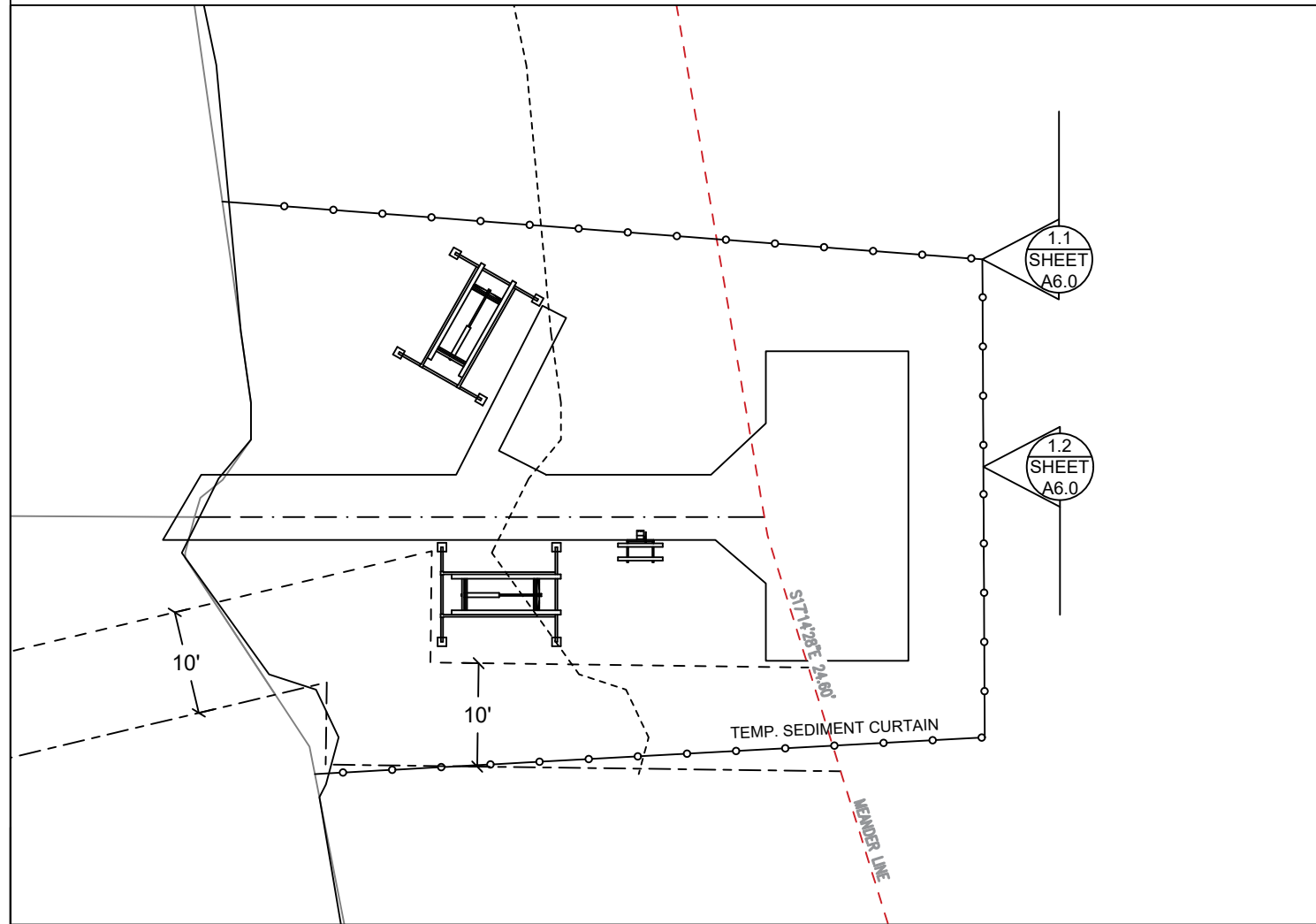
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# BMP INFORMATION

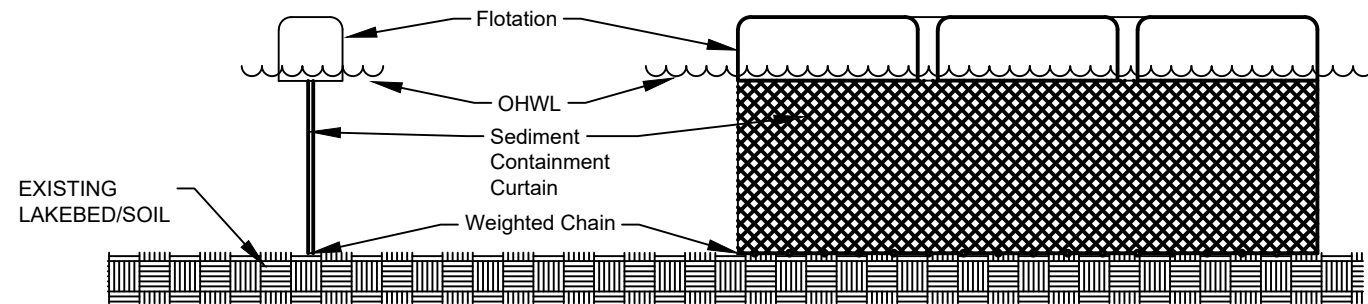


## BMP NOTES:

- A. Constant vigilance shall be kept for the presence of protected fish species during all aspects of the proposed action, particularly during in-water activities such as vessel movement, deployment of anchors & spuds, pile driving, dredging, and placement of gravels and other fill.
1. The project manager shall designate an appropriate number of competent observers to survey the project site and adjacent areas for protected species, including the presence of fish as conditions allow.
  2. Visual surveys shall be made prior to the start of work each day, and prior to resumption of work following any break of more than an hour. Periodic additional visual surveys throughout the work day are strongly recommended.
  3. All in-water work shall be done during the in-water work window for the waterbody. Where there is a difference between the USCOE and WDFW work windows, the overlap of the two shall apply.
  4. All pile driving and extraction shall be postponed or halted when obvious aggregations or schooling of fish are observed within 50 yards of that work, and shall only begin/resume after the animals have voluntarily departed the area.
  5. When piloting vessels, vessel operators shall operate at speeds and power settings to avoid grounding vessels, and minimize substrate scour and mobilization of bottom sediments.
- B. No contamination of the marine environment shall result from project-related activities.
1. Appropriate materials to contain and clean potential spills shall be stored and readily available at the work site and/or aboard project-related vessels.
  2. The project manager and heavy equipment operators shall perform daily pre-work equipment inspections for cleanliness and leaks. All heavy equipment operations shall be postponed or halted should a leak be detected, and shall not proceed until the leak is repaired and the equipment is cleaned.
  3. To the greatest extent practicable, utilize biodegradable oils for equipment that would be operated in or near water.
  4. Fueling of land-based vehicles and equipment shall take place at least 50 feet away from the water, preferably over an impervious surface. Fueling of vessels shall be done at approved fueling facilities.
  5. Turbidity and siltation from project-related work shall be minimized and contained through the appropriate use of erosion control practices, effective silt containment devices, and the curtailment of work during adverse weather and tidal/flow conditions.
  6. All wastes shall be collected and contained for proper disposal at approved upland disposal sites appropriate for the material(s).
  7. When removing piles and other similarly treated wood, containment curtain must fully enclose the work area. Wood debris, oils, and any other materials released into lake waters must be collected, removed, and properly disposed of at approved disposal sites.
  8. All in- and over-water wood cutting would be limited to the minimum required to remove the subject wood component, and all cutting work should be enclosed within floating containment curtain.
  9. When removing piles, no actions shall be taken that would cause adhering sediments to return to lake waters.
  10. Above-water containment shall be installed around removed piles to prevent sediment laden waters from returning to lake waters.
  11. Construction staging (including stocking of materials, etc.) will occur on the supply barge.
  12. All Exposed wood to be used on the project will be treated with a an agency approved treatment.

DETAIL 1.1

DETAIL 1.2



DETAIL 1.1 & 1.2



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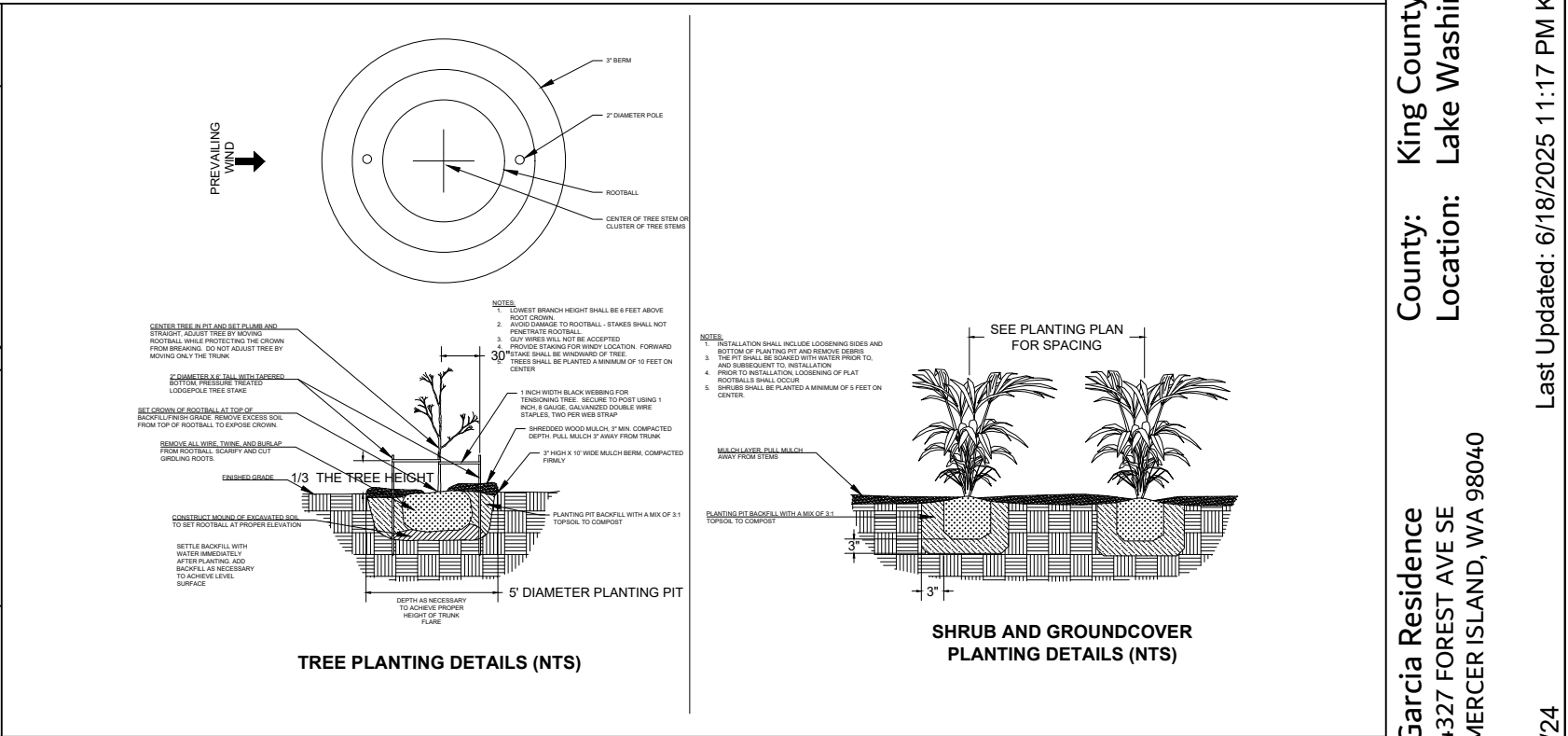
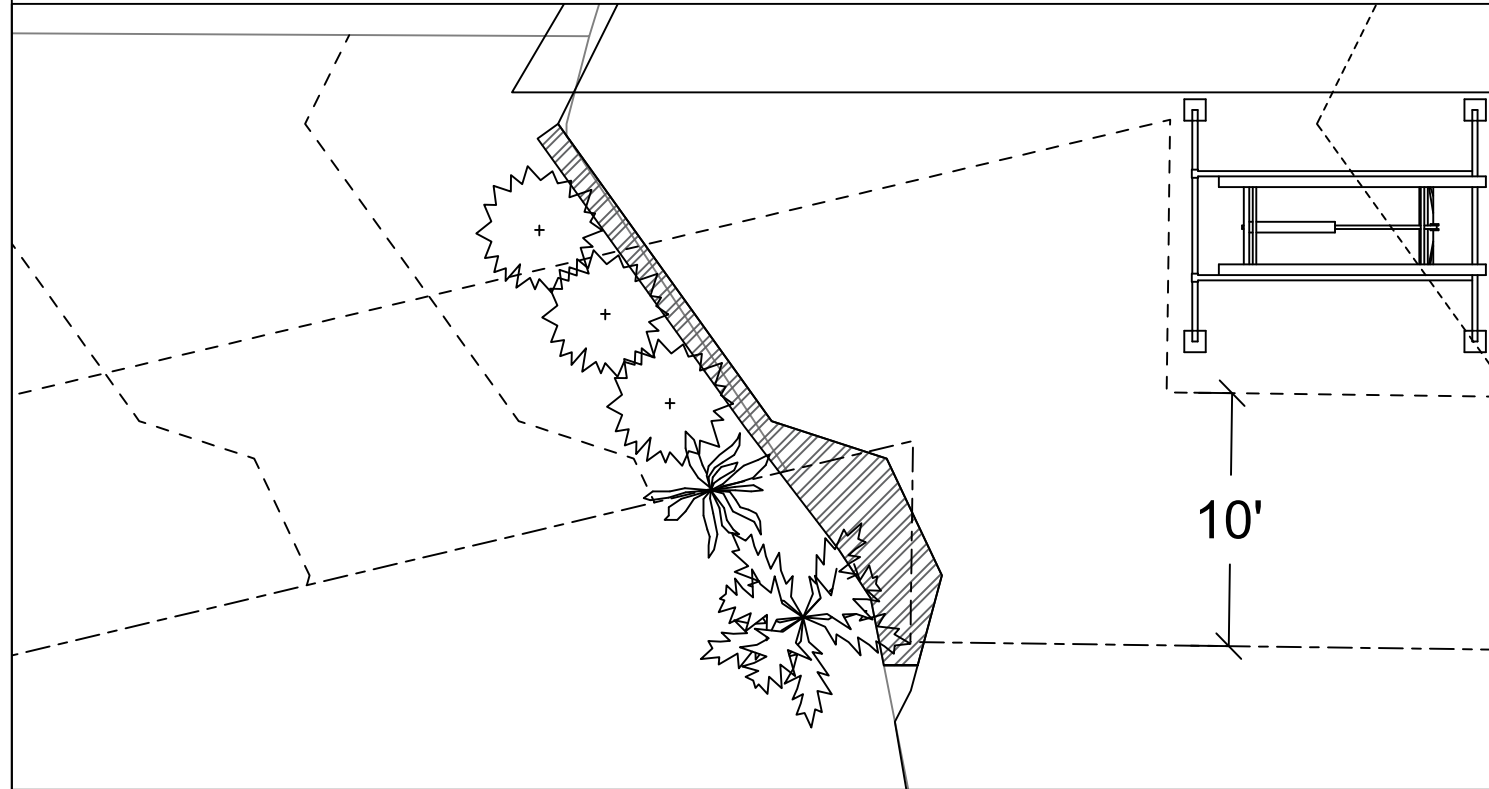
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# MITIGATION PLAN



**Notes:**

1. The property owner shall implement and abide by the shoreline planting plan, including the installation of the identified species, in the identified locations. Shrubs shall be planted at least five feet on center, and trees shall be planted at least ten feet on center.
2. For best plant survival, planting should be completed the first October through March period concurrent with or immediately following the work authorized by this permit. A report, as-built drawing and photographs demonstrating the plants have been installed or a report on the status of project construction will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, within 12 months from the date of permit issuance. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Report for Mitigation Work Completion form.
3. The property owner shall preserve in good health 100% of shoreline planting plan vegetation for as long as the structures that have been permitted under the RAP program remain in place. Plants that die must be replaced with the appropriate plant type (i.e. tree for tree, shrub for shrub) from the RAP Plant List.
4. The property owner shall monitor the survival of shoreline planting plan vegetation for five years (Monitoring Years 1-5) after the U.S. Army Corps of Engineers accepts the as-built report. The property owner shall also submit annual monitoring reports to the U.S. Army Corps of Engineers each year during this period. Each annual monitoring report will include written and photographic documentation that the performance standards are being met, including documentation of plant mortality and replacement. Photos will be taken from established points and used repeatedly for each monitoring year. In addition to photos at designated points, photo documentation will include a panoramic view of the entire planting area. Submitted photos will be formatted on standard 8 1/2 x 11" paper, dated with the date the photo was taken, and clearly labeled with the direction from which the photo was taken. The photo location points will be identified on an appropriate drawing. Annual shoreline planting monitoring reports will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, by November 31 of each monitoring year. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Mitigation Planting Monitoring Report form.

No mitigation proposed due to scope of work only including lift installation and a removing pile.



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 MERCER ISLAND, WA 98040  
 County: King County  
 Location: Lake Washington  
 Created: 4/09/24  
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# Applicant Information

Project Address: 4327 Forest Ave SE, Mercer Island, WA, 98040

Parcel Number: 936570-0344

Applicant: Seaborn Pile Driving Co, 1080 W Ewing Pl #300, Seattle, WA 98119 206-236- 1700

Property Owner: Garcia and Natasha Grant

Legal Description:

WHITES HARRY PLAT E SEATTLE AC TR BEG AT INTSN OF S 150 FT SD TR WITH SWLY LN OF 80TH AVE SE TH NWLY TO SLY LN SE 43RD PL TH NWLY 59.62 FT TH S 09-50-20 E TO PT 175 FT N OF S LN TH N 89-54-07 W TO GOV MDR LN TH SELY ALG SD LN TO PT 150 FT N OF S LN EXTND W TO BEG LESS CONC PATIO IN SHAPE OF A TRIANGLE THAT IS 4.90 FT WIDE AT THE BASE AND AT THE WATER LN & EXTD ELY 19.50 FT TAP WHERE IT INTERSECTS PLANTIFFS SOUTH PROP LN TGW ROCK & CONC BULKHEAD & RETAINING PIER ON WCH THE HOIST IS LOCATED ACDG TO KING COUNTY S.C.C. NO 81-2-00149-1 DATED 10-01-1986 & SH LDS ADJ

Description of Work:

We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

## Job Specific Comments

### Purpose

The proposed boat lift is to provide safe boat moorage and safe water recreational activities for a single-family residence.

### Water Quality

In order to prevent debris from entering the lake during the demolition stage of the project, a containment boom will surround the crane barge and work area.

## Permits

Mercer Island Exemption Permit:

We are applying for the permit to be reviewed under the:

“Alternative Development Standards” per MIMC 19.13.050(F)(3).

## Contact

Contractor: Seaborn Pile Driving Company License #: SEABOPD942CG

Address: 1080 W Ewing Pl #300, Seattle WA 98119

Office: 206.236.1700

Contact: Zion Napier

Email: [permits@seabornpiledriving.com](mailto:permits@seabornpiledriving.com)

# Construction Narrative

## Mobilization

1. Mobilize crew, crane barge, supply, and material barge to the site.

## Pile Removal (dock and mooring)

1. Set out a Sediment Containment Curtain around the work area waterward of the bulkhead to contain any silt and debris that may be generated during construction.
2. Attach a chain to the base of the existing pile.
3. Using the crane, pull the pile from the lakebed and place it on the debris barge for disposal in an approved upland disposal site.
4. If unable to pull, use an underwater chainsaw, and cut the pile at the mudline.
5. Clean the work area and remove the sediment curtain.

## Boat Lift Installation

1. Set out a Sediment Containment Curtain around the work area waterward of the bulkhead to contain any silt and debris that may be generated during construction.
2. Set lift on the lakebed.
3. Adjust legs to the correct height.
4. Clean the work area and remove the sediment curtain.

# Best Management Practices

## Above the Water Line Work

- Seaborn Pile Driving Company will employ one crane barge, one supply, and one debris barge to complete the scope of work. A tug will tow the barges on and off the job site.
- Seaborn Pile Driving Company personnel working in, near, or over the water will at all times wear either USCG approved life vests or work vests as well as hard hats and safety glasses.

## Material Handling

- While at the job site, a floating containment boom will completely surround the work area.
- All removed piles and the existing dock structure will be placed on the debris barge where they will be contained and kept out of the lake.

## Hazardous Materials

- No hazardous materials will be mixed or stored in or near the water. No cleaning of materials will be performed in or near the water.

## Polluting Materials in Water

- Seaborn Pile Driving Company will take extra precautions to ensure materials don't fall into or pollute the water. Any material that enters the water will be removed immediately. Any hazardous material such as oily rags will not be handled near or over the water.
- A spill kit will be employed on the barges at the job site.
- If any pollutants enter the water, Seaborn Pile Driving Company will contact the appropriate agencies and report the spill immediately.

## Material Disposal

- Seaborn Pile Driving Company will dispose of the rotten wood and pile sections in an approved legal disposal site in accordance with all applicable laws and permit requirements.

**CITY OF MERCER ISLAND  
COMMUNITY PLANNING & DEVELOPMENT**

9611 SE 36TH STREET | MERCER ISLAND, WA 98040  
PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)



CITY USE ONLY	
Date Received	
File No	
Received By	

**ENVIRONMENTAL CHECKLIST**

**PURPOSE OF CHECKLIST**

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

**PRE-APPLICATON MEETING**

A pre-application meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

**Please note:** pre-application meetings are held on Tuesdays, by appointment. To schedule a meeting, submit the meeting request form and the pre-application meeting fee (see fee schedule). Meetings must be scheduled at least one week in advance. Applicants are required to upload a project narrative, a list of questions/discussion points, and preliminary plans to the Mercer Island File Transfer Site one week ahead of the scheduled meeting date.

**SUBMITTAL REQUIREMENTS**

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- A. **Completed pre-application.**
- B. **Development Application Sheet.** Application form must be fully filled out and signed.
- C. **Development Plan Set.** Please refer to the Land Use Application- Plan Set Guide in preparing plans.
- D. **Title Report.** Less than 30 days old.
- E. **SEPA checklist.**

**INSTRUCTIONS FOR APPLICANTS**

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later. Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

**USE OF CHECKLIST FOR NONPROJECT PROPOSALS**

For nonproject proposals complete this checklist and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal. For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

**A. BACKGROUND**

- 1. Name of proposed project, if applicable:

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- 2. Name of applicant:

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- 3. Address and phone number of applicant and contact person:

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- 4. Date checklist prepared:

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- 5. Agency requesting checklist:

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- 6. Proposed timing or schedule (including phasing, if applicable):

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7. Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain:

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8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

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9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

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10. List any government approvals or permits that will be needed for your proposal, if known:

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11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

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12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

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**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (check one):

Flat  Rolling  Hilly  Steep slopes  Mountainous  Other

b. What is the steepest slope on the site (approximate percent slope)?

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c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

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d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

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e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

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f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

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g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

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h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

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**2. Air**

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a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

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b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

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c. Proposed measures to reduce or control emissions or other impacts to air, if any:

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**3. Water**

a. Surface:

i. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

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ii. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

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iii. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

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iv. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

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v. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

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- vi. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

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b. Ground

- i. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

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- ii. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, [containing the following chemicals...]; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

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c. Water runoff (including stormwater):

- i. Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

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- ii. Could waste materials enter ground or surface waters? If so, generally describe.

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- d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any:

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**4. Plants**

- a. Check types of vegetation found on the site
- Deciduous tree: Alder, Maple, Aspen, other
  - Evergreen tree: Fir, Cedar, Pine, other
  - Shrubs
  - Grass

- Pasture
- Crop or grain
- Wet soil plants: Cattail, buttercup, bulrush, skunk cabbage, other
- Water plants: Water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

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c. List threatened or endangered species known to be on or near the site.

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d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

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e. List all noxious weeds and invasive species known to be on or near the site.

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## 5. Animals

a. State any birds and animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

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b. List any threatened or endangered species known to be on or near the site.

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c. Is the site part of a migration route? If so, explain.

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d. Proposed measure to preserve or enhance wildlife, if any:

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- e. List any invasive animal species known to be on or near the site.
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**6. Energy and natural resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
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- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
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- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
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**7. Environmental health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
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- i. Describe any known or possible contamination at the site from present or past uses.
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- 
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- ii. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
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- 
- 

- iii. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
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iv. Describe special emergency services that might be required.

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v. Proposed measures to reduce or control environmental health hazards, if any:

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b. Noise

i. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

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ii. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

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iii. Proposed measures to reduce or control noise impacts, if any:

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**8. Land and shoreline use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

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b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

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c. Describe any structures on the site.

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d. Will any structures be demolished? If so, what?

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e. What is the current zoning classification of the site?

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f. What is the current comprehensive plan designation of the site?

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g. If applicable, what is the current shoreline master program designation of the site?

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h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.

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i. Approximately how many people would reside or work in the completed project?

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j. Approximately how many people would the completed project displace?

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k. Proposed measures to avoid or reduce displacement impacts, if any:

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l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

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**9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

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- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

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- c. Proposed measures to reduce or control housing impacts, if any:

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**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas? What is the principal exterior material(s) proposed?

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- b. What views in the immediate vicinity would be altered or obstructed?

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- c. Proposed measures to reduce or control aesthetics impacts, if any:

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**11. Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

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- b. Could light or glare from the finished project be a safety hazard or interfere with views?

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- c. What existing off-site sources of light or glare may affect your proposal?

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- d. Proposed measures to reduce or control light and glare impacts, if any:

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**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

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b. Would the proposed project displace any existing recreational uses? If so, describe.

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c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

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**13. Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

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b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

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c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

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d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

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**14. Transportation**

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

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- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

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- c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

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- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

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- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

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- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

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- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

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- h. Proposed measures to reduce or control transportation impacts, if any:

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**15. Public services**

- a. Would the project result in an increased need for public services (for example; fire protection, police protection, health care, schools, other)? If so, generally describe.

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- b. Proposed measures to reduce or control direct impacts on public services, if any.

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**16. Utilities**

a. Check utilities currently available at the site:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| Electricity <input type="checkbox"/> | Natural Gas <input type="checkbox"/>    | Water <input type="checkbox"/>         | Refuse Service <input type="checkbox"/> |
| Telephone <input type="checkbox"/>   | Sanitary sewer <input type="checkbox"/> | Septic system <input type="checkbox"/> | Other <input type="checkbox"/>          |

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

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**C. SIGNATURE**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the answers to the attached SEPA Checklist are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

*Zion Napier*

Date Submitted: \_\_\_\_\_

**SEPA RULES**

**SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; productions, storage, or release of toxic or hazardous substances; or production of noise?

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Proposed measures to avoid or reduce increases are:

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2. How would the proposal be likely to affect plants, animals, fish, or marine life?

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Proposed measures to protect or conserve plants, animals, fish, or marine life are:

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3. How would the proposal be likely to deplete energy or natural resources?

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Proposed measures to protect or conserve energy and natural resources are:

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4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

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Proposed measures to protect such resources or to avoid or reduce impacts are:

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5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

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Proposed measures to avoid or reduce shoreline and land use impacts are:

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6. How would the proposal be likely to increase demands on transportation or public services and utilities?

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Proposed measures to reduce or respond to such demand(s) are:

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7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

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[Statutory Authority: RCW [43.21C.110](#), WSR 16-13-012 (Order 15-09), § 197-11-960, filed 6/2/16, effective 7/3/16. Statutory Authority: RCW [43.21C.110](#) and [43.21C.100](#) [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-960, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW [43.21C.110](#), WSR 13-02-065 (Order 12-01), § 197-11-960, filed 12/28/12, effective 1/28/13; WSR 84-05-020 (Order DE 83-39), § 197-11-960, filed 2/10/84, effective 4/4/84.]



**COMMUNITY PLANNING & DEVELOPMENT**

206.275.7605  
www.mercerisland.gov/cpd

**1/24/2025**

Seaborn Pile Driving Co  
Attn: Zion Napier  
1080 W Ewing Place #300  
Seattle, WA 98119  
Via: Email

RE: **SHL24-018/SEP24-011** Determination of Complete Application; 4327 Forest Ave SE,  
Mercer Island, WA 98040

The City of Mercer Island received an application for a(n) **Shoreline Substantial Development Permit** for the subject property on 7/18/2024. The City has assigned file number **SHL24-018** to the application. Following review of the application, City staff has determined that the application is procedurally complete and has established a vesting date of 1/24/2025.

The application is scheduled for mailing and posting on 2/3/2025 as required by MICC 19.15.090.

Formal review of the application will now begin in compliance with Mercer Island City Code, Chapter 19. As review progresses, additional documentation will most likely be requested.

Pursuant to Mercer Island City Code 19.15.110(B), if the applicant fails to provide the required information within 60 days from the date of any request for information, the application shall lapse, and become null and void.

Please do not hesitate to contact me if you have any questions.

Sincerely,

*Grace Manahan*

Grace Manahan, Code Compliance Planner  
(206) 275-7764 | [grace.manahan@mercerisland.gov](mailto:grace.manahan@mercerisland.gov)  
City of Mercer Island Community Planning and Development

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# COMMUNITY PLANNING & DEVELOPMENT

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



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## PUBLIC NOTICE OF APPLICATION

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**NOTICE IS HEREBY GIVEN** for the application described below:

**File No.:** SHL24-018 & SEP24-011

**Permit Type:** Type III

**Description of Request:** A request for a Shoreline Substantial Development Permit with SEPA Review to install 1 new boat lift, 1 new dock mounted PWC lift, and remove 1 mooring pile.

**Applicant/Owner:** Zion Napier (Seaborn Pile Driving Co) / Grant Garcia

**Location of Property:** 4327 Forest Ave SE, Mercer Island WA 98040  
King County Assessor tax parcel number: 9365700344

**SEPA Compliance:**

Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probably significant adverse environmental impacts has been conducted. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific project may be obtained upon request.

**Project Documents:** <https://permitbulletin.mercerisland.gov/public/SHL24-018%20&%20SEP24-011/>

**Written Comments:** This may be the only opportunity to comment on this proposal. Written comments on this proposal may be submitted to the City of Mercer Island either by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments or participate at the public hearing (if a hearing is required) will be parties of record; and only parties of record will have the right to appeal.

**Public Hearing and Public Meeting:** Pursuant to [MICC 19.15.030](#) Tables A and B, a public hearing is not required for Type I-III permits.

**Applicable Development Regulations** Applications for Shoreline Substantial Development Permits and SEPA Reviews are required to be processed as Type III land use reviews pursuant to Mercer Island City Code (MICC) 19.15.030. Processing requirements for Type III land use reviews are further detailed in MICC 19.15.030.

**Other Associated Permits:** N/A

**Environmental Documents:** Copies of all studies and/or environmental documents are available through the above project documents link.

**Application Process Information:**

Date of Application:	July 18, 2024
Determined to Be Complete:	January 24, 2025
Weekly Permit Bulletin Notice:	February 3, 2025
Date Mailed:	February 3, 2025
Date Posted on Site:	February 3, 2025
Comment Period Ends:	5:00PM on March 5, 2025

**Project Contact:** Grace Manahan, Code Compliance Planner  
grace.manahan@mercerisland.gov | (206) 275-7764

# **Ecological No Net Loss Assessment Report**

Prepared for

**Garcia Residence  
4327 Forest Ave SE  
Mercer Island, WA 98040**

Prepared by



Northwest Environmental Consulting, LLC  
600 North 36<sup>th</sup> Street, Suite 423  
Seattle, WA 98103  
206-234-2520

**January 2025**

## Purpose

The purpose of this report is to fulfill the requirements of City of Mercer Island Shoreline Master Program by assessing overall project impacts and proposed mitigation to determine if the project meets the “No Net Loss” General Regulation of the Shoreline Master Program.

No Net Loss is defined as “An ecological concept whereby conservation losses in one geographic or otherwise defined area are equaled by conservation gains in function in another area.”

The property is being permitted for installation of new watercraft lifts and removal of a mooring pile.

## Location

The subject property is located at 4327 Forest Ave SE, Mercer Island, Washington (see Appendix A – Sheet A1.0). The parcel is on the waterfront of Lake Washington that contains several endangered fish species listed under the Endangered Species Act and Washington State designated priority fish species.

## Project Description

The proposed work includes installing a free standing boat lift and a dock mounted personal watercraft lift. No new overwater coverage is proposed or changes to the existing dock. An existing 12-inch mooring pile will be removed by dead pulling or using a vibratory hammer. See sheets A2.0 to A5.0.

During construction, a floating boom and weighted silt curtain will surround the work barge and pier. See sheet A6.0.

Project drawings are included in Attachment A.

## Approach

Northwest Environmental Consulting LLC (NVEC) biologist Brad Thiele conducted a site visit on January 9, 2025, to evaluate conditions on site and adjacent to the site. NVEC also consulted the following sources for information on potential critical fish and wildlife habitat along this shoreline:

- Washington Department of Fish and Wildlife (WDFW): Priority Habitats and Species online database (<http://apps.wdfw.wa.gov/phsontheweb/>)
- WDFW SalmonScope online database of fish distribution and ESA listing units (<https://apps.wdfw.wa.gov/salmonscape/>)
- Mercer Island GIS online database (<https://chgis1.mercergov.org/Html5Viewer/Index.html?viewer=PubMaps&viewer=PubMaps>)

## Site Description

The subject property is a shoreline tract in a residential neighborhood. It has shoreline on its western boundary with single-family homes to the north and south.

The dock is multifamily and accessed by both properties.

The parcel is maintained as lawn. The shoreline is armored with a basalt bulkhead with kinnikinnick growing over the boulders and planting beds landward of the bulkhead. The substrates along the shore are sand and gravel with interspersed cobble. Patchy Eurasian milfoil was present starting about 15 feet from shore and the bathymetry drops off quickly at the site.

The neighboring shorelines are landscaped with bulkheads and docks with various landscaping. See attached photos in Appendix B- Photos.

## Species Use

WDFW's PHS mapping and SalmonScape mapping tools show the following salmonid species using Lake Washington for migration and/or rearing: residential coastal cutthroat (*Oncorhynchus clarkii*), winter steelhead (*O. mykiss*), Dolly Varden/bull trout (*Salvelinus malma*), sockeye salmon (*O. nerka*), fall Chinook (*O. tshawytscha*), coho salmon (*O. kisutch*), and kokanee (*O. nerka*). The SalmonScape database maps the site as accessible to the Endangered Species Units (ESU) of Threatened Chinook and steelhead. Juveniles migrate and may rear in the waters near the project when traveling from spawning sites on other lake tributaries to the lakes system's outlet at the Hiram M. Chittenden Locks. The project site is accessible to any fish migrating or rearing in the lake. The shoreline is not mapped as a Sockeye spawning location, but a spawning area is located just to the south of the project.

Priority Habitats and Species mapping does not map any features within 1,000 feet of the site.

The City of Mercer Island GIS Portal does not indicate any watercourses at the site. A Type Np piped watercourse is mapped as occurring two parcels to the north, about 170 feet away. No upland work will be completed on the site.

## Project Impacts and Conservation Measurements

### **Direct Impacts:**

**Sediments:** Sediment disturbance will occur below the OHWM and along the shoreline of Lake Washington. Additionally, the tug and barge propwash may disturb sediments temporarily when making trips to/from the site. Some sediment disturbance may also be caused during removal of the existing pile and placement of the new lift. Care will be used not to drag the boat lift on the bottom while being placed.

Sediments have been shown to be minimally disturbed during pile driving activities and from placement of boat lifts. Juvenile salmonids could be temporarily displaced or stressed by increased turbidity. A floating boom will be placed around the pier to contain floating debris to the project site and a floating silt boom will be installed around inwater work areas to prevent turbidity from leaving the work area should it occur. The project will meet state water quality standards.

**Shoreline:** No work will occur along the shoreline.

**Lakebed:** The project will remove 1 12-inch pile from the lake restoring 0.8 square feet of lakebed.

**Noise:** Construction equipment and pile driving will create noise audible to neighbors and in-water. Noise disturbance will be short-term and should have negligible effects on fish and wildlife in the area because work will be completed during the in-water work window when juveniles are not likely to be present.

**Potential spills:** Short-term risks include the potential for spills that can occur with any equipment operation. The potential harm to the aquatic environment is minimized because a trained crew will be onsite that will implement spill containment measures should a spill occur. If a spill should occur, the Department of Ecology will be notified per permit conditions.

***Indirect Impacts:***

No changes to overwater coverage will occur due to this project.

**Recreational Boating:** The project supports continued recreational boating, which has been identified as a limiting factor for salmonid populations in Lake Washington. The pier will not introduce additional boating to Lake Washington, as the owners could still access the lake from a public boat launch or private moorage facility.

***Other Conservation measures:***

**Work window:** The work will be completed during the prescribed in-water work window for this area of Lake Washington (July 16 to April 30). Operating within this time frame helps protect Chinook salmon, steelhead, bull trout and other salmonid fish species by doing work when juvenile fish are not expected to be present.

**Best Management Practices:** Applicable BMPs will be used such as a floating boom around the in-water work area that will contain any floating debris that may escape during demolition and construction. The barge will have a perimeter containment sock to absorb oil and grease that may wash from the barge during construction.

Hazardous material containment materials such as spill absorbent pads, and trained personnel will be required onsite during any phase of construction where machinery is in operation near surface waters.

**In-lieu Fee:** The shoreline on the subject property will be planted with native, overhanging vegetation. The project also requires approval from the National Marine Fisheries Service (NMFS). NMFS has developed a calculator to determine appropriate mitigation costs for proposed in-water structures in Lake Washington. This calculator has established a fund that owners can pay into if they are not willing or cannot find mitigation to offset impacts from the project. The owner is not able to complete the required mitigation at the subject property required by NMFS and the property owners will pay into the in-lieu fee program to mitigate project impacts. An in-lieu fee program is defined as follows:

“A program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements... Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor.” (Fed. Reg. 40 CFR Part 230)

The fee has been determined using the Restoration And Permitting (RAP) Calculator for Lake

Washington and will be paid to King County Water & Land Resources Division. This funding has been used to remove 350 derelict piles from the mouth of the Cedar River in Lake Washington.

## Conclusion

Juvenile Chinook salmon, and other salmonids, rear and migrate along the Lake Washington shoreline. Lake Washington is a Shoreline of the State.

There will be temporary impacts from noise and disturbed sediments during construction.

The project will minimize construction effects on the environment by following the prescribed fish window and using applicable BMPs to prevent construction spills, turbidity, and floating debris from escaping the area. The construction crew will retrieve all dropped items from the bottom and dispose of them properly. The effects of construction will be short term.

Boatlifts reduce shading by allowing light under the boat when stored on the lift. In addition, boat lifts reduce boat maintenance that can add cleaning chemicals to the lake and can preserve zinc anodes. A cleaner hull on a boat also reduces drag that increase fuel use. The lifts will be placed in the deepest water possible at site to reduce the chances of propwash occurring during castoff and docking.

The owner has also opted to pay into the In Lieu Fee program that will be used for conservation projects that benefit salmon in King County.

This project has been designed to meet current residential dock standards and will use Best Management Practices to reduce project impacts. The conservation measures are designed to improve ecological functions or prevent further degradation of habitat **and will result in No Net Loss of ecological functions.**

## Document Preparers

Brad Thiele

Biologist

31 years of experience

Northwest Environmental Consulting, LLC. (NVEC)

The conclusions and findings in this report are based on field observations and measurements and represent our best professional judgment and to some extent rely on other professional service firms and available site information. Within the limitations of project scope, budget, and seasonal variations, we believe the information provided herein is accurate and true to the best of our knowledge. Northwest Environmental Consulting does not warrant any assumptions or conclusions not expressly made in this report or based on information or analyses other than what is included herein.

## REFERENCES

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ThruFlow. 2020. Legacy Series. Online. Accessed September 2020 at <https://thruflow.com/products/legacy/>.

US Army Corps of Engineers (USACE). 2004. Final Biological Evaluation, Regional General Permit: Construction of New or Expansion of Existing Residential Overwater Structures and Driving of Moorage Piling. Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal, in the State of Washington.

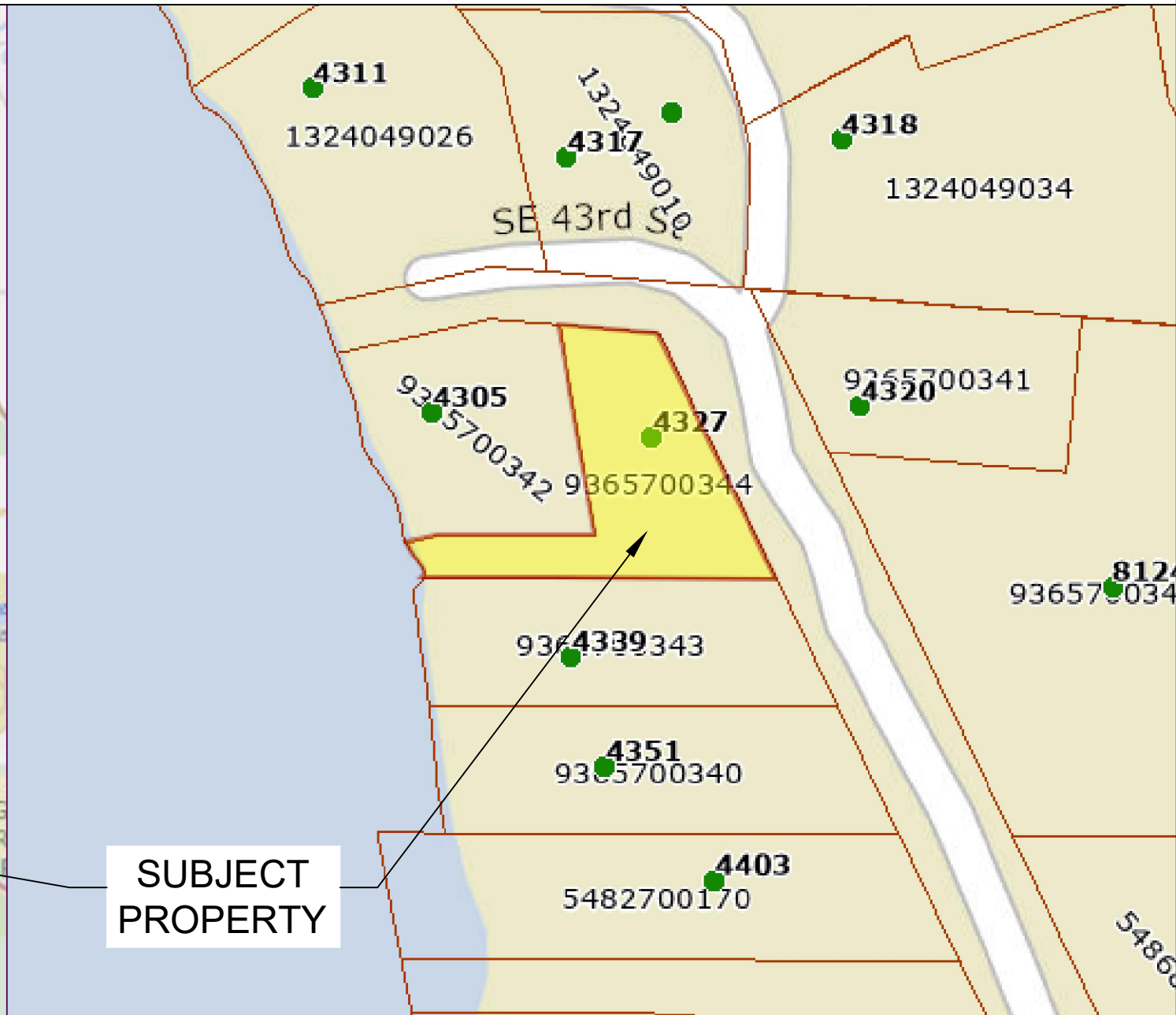
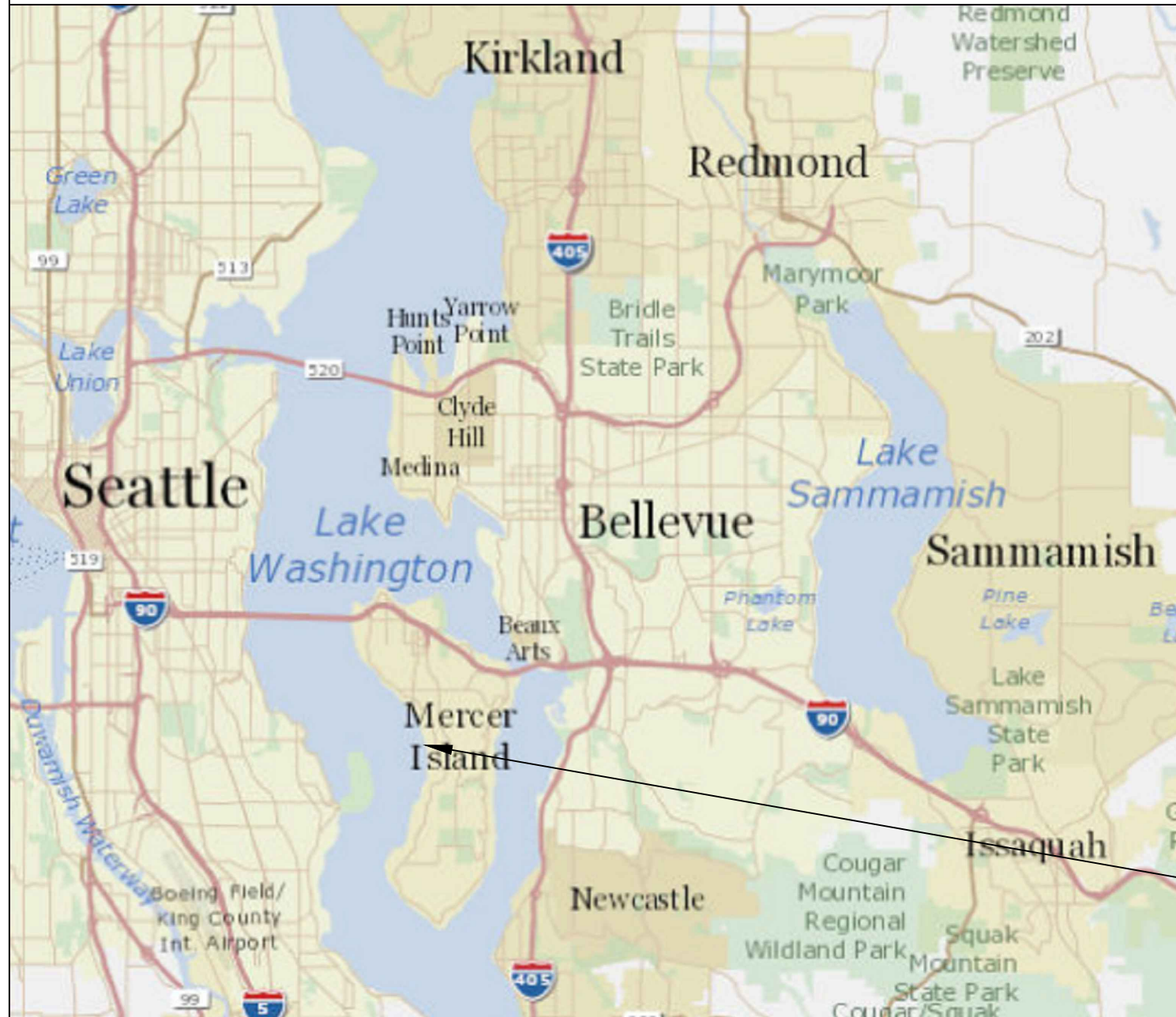
Washington Department of Fish and Wildlife (WDFW). 2024. Priority Habitats and Species. Online database. Accessed December 2024 at <http://apps.wdfw.wa.gov/phsontheweb/>

WDFW. 2024. SalmonScape. Online database. Accessed December 2024 at <http://apps.wdfw.wa.gov/salmonscape/>

# **Appendix A: Figures and Project Drawings**

---

# SITE PLAN



Pin: 936570-0344

Legal Description: WHITES HARRY PLAT E SEATTLE AC TR BEG AT INTSN OF S 150 FT SD TR WITH SWLY LN OF 80TH AVE SE TH NWLY TO SLY LN SE 43RD PL TH NWLY 59.62 FT TH S 09-50-20 E TO PT 175 FT N OF S LN TH N 89-54-07 W TO GOV MDR LN TH SELY ALG SD LN TO PT 150 FT N OF S LN EXTND W TO BEG LESS CONC PATIO IN SHAPE OF A TRIANGLE THAT IS 4.90 FT WIDE AT THE BASE AND AT THE WATER LN & EXTD ELY 19.50 FT TAP WHERE IT INTERSECTS PLANTIFFS SOUTH PROP LN TGW ROCK & CONC BULKHEAD & RETAINING PIER ON WCH THE HOIST IS LOCATED ACDG TO KING COUNTY S.C.C. NO 81-2-00149-1 DATED 10-01-1986 & SH LDS ADJ

Plat Block:  
Plat Lot: 23

Parcel	Dock
LAT: 47.56794	LAT: 47.567783
LONG: -122.23275	LONG: -122.233243



Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119

Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.



County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040

Last Updated: 9/13/2024 8:01 AM Zion

Created: 4/09/24

**SHEET**  
**1.0**

# GENERAL NOTES:

MATERIALS SPEC LIST:

- Boat Lifts:** Aluminum
- \* SL10014ARW - 146" x 162"
  - \* Dock Mounted PWC Lift

CODE REFERENCES: Mercer Island

**We are applying for the permit to be reviewed under the:**

**“Alternative Development Standards” per MIMC 19.13050(F)(3).**

The code official shall approve moorage facilities not in compliance with the development standards in subsection (F)(1) or (F)(2) of this section subject to both U.S. Army Corps of Engineers and Washington Department of Fish and Wildlife approval to an alternate project design. The following requirements and all other applicable provisions in this chapter shall be met:

i. The dock must be no larger than authorized through state and federal approval; Ch. 19.13 Shoreline Master Program | Mercer Island City Code Page 30 of 34 The Mercer Island City Code is current through Ordinance 20C-13, passed June 16, 2020.

**The dock will not be altered.**

ii. The maximum width must comply with the width of moorage facilities standards specified in standards specified in subsection D of this section (Table D);

**The dock will not be altered.**

iii. The minimum water depth must be no shallower than authorized through state and federal approval;

**The dock will not be altered.**

iv. The applicant must demonstrate to the code official's satisfaction that the proposed project will not create a net loss in ecological function of the shorelands; and

**See attached NNL.**

v. The applicant must provide the city with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.

**Approval from WDFW and the Army CORPS of Engineers will be attached.**

Last permit issued for property: 2309-061 11/13/23

Dock established/constructed: 78225 8/30/78

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040  
SPAUNHURST EDWIN N+DIANE J  
4305 FOREST AVE SE 98040

Last Updated: 9/13/2024 8:01 AM Zion

Created: 4/09/24



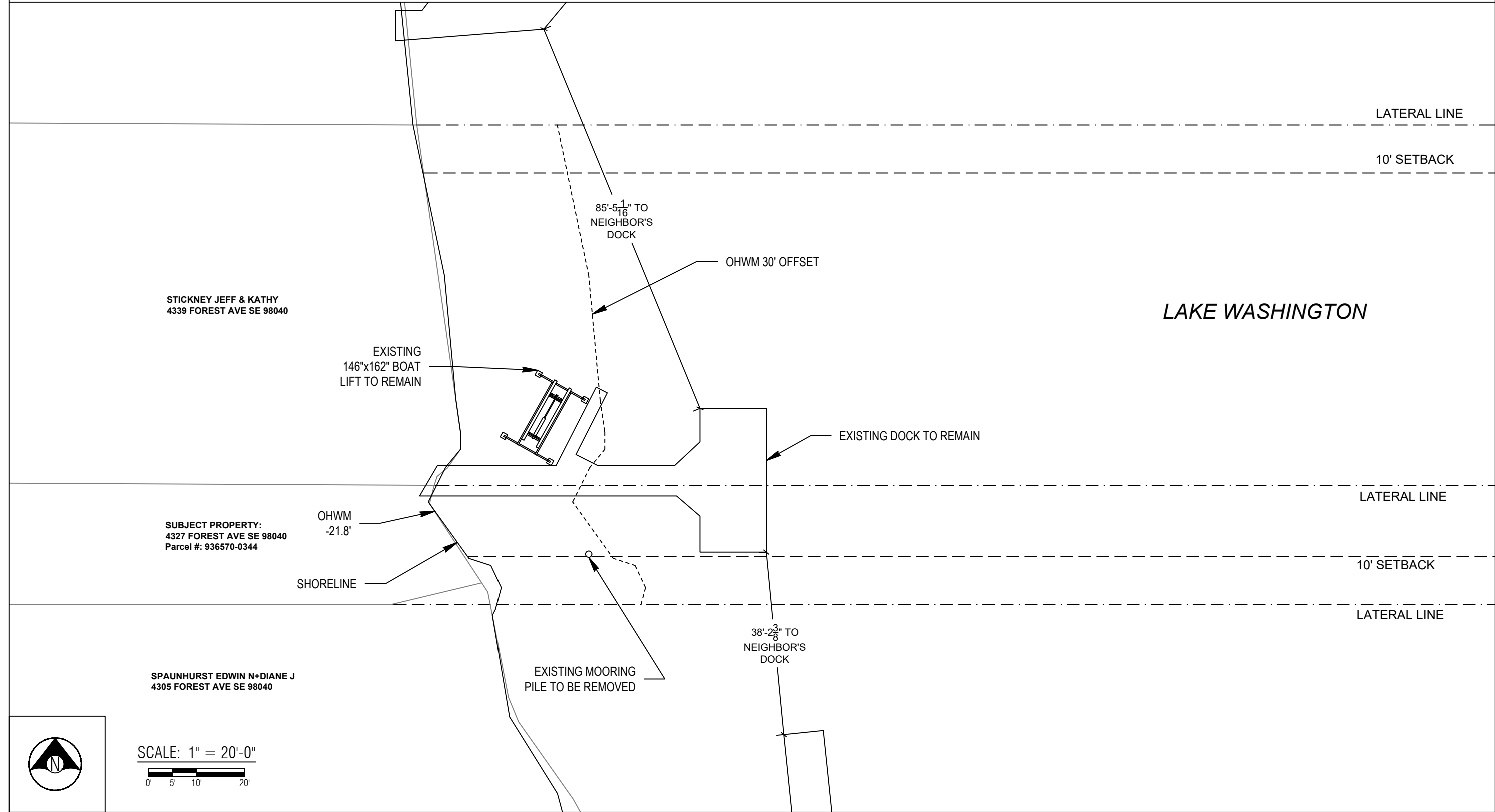
Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119  
Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

**SHEET  
2.0**

# PROPOSED CONDITIONS

**\*\*CLEAN UP LAKE AROUND PROJECT\*\***



County: King County  
 Location: Lake Washington

Applicant: Garcia Residence  
 4327 FOREST AVE SE  
 MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
 NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
 SPAUNHURST EDWIN N+DIANE J  
 4305 FOREST AVE SE 98040  
 STICKNEY JEFF & KATHY  
 4339 FOREST AVE SE 98040

Created: 4/09/24  
 Last Updated: 9/13/2024 8:01 AM Zion



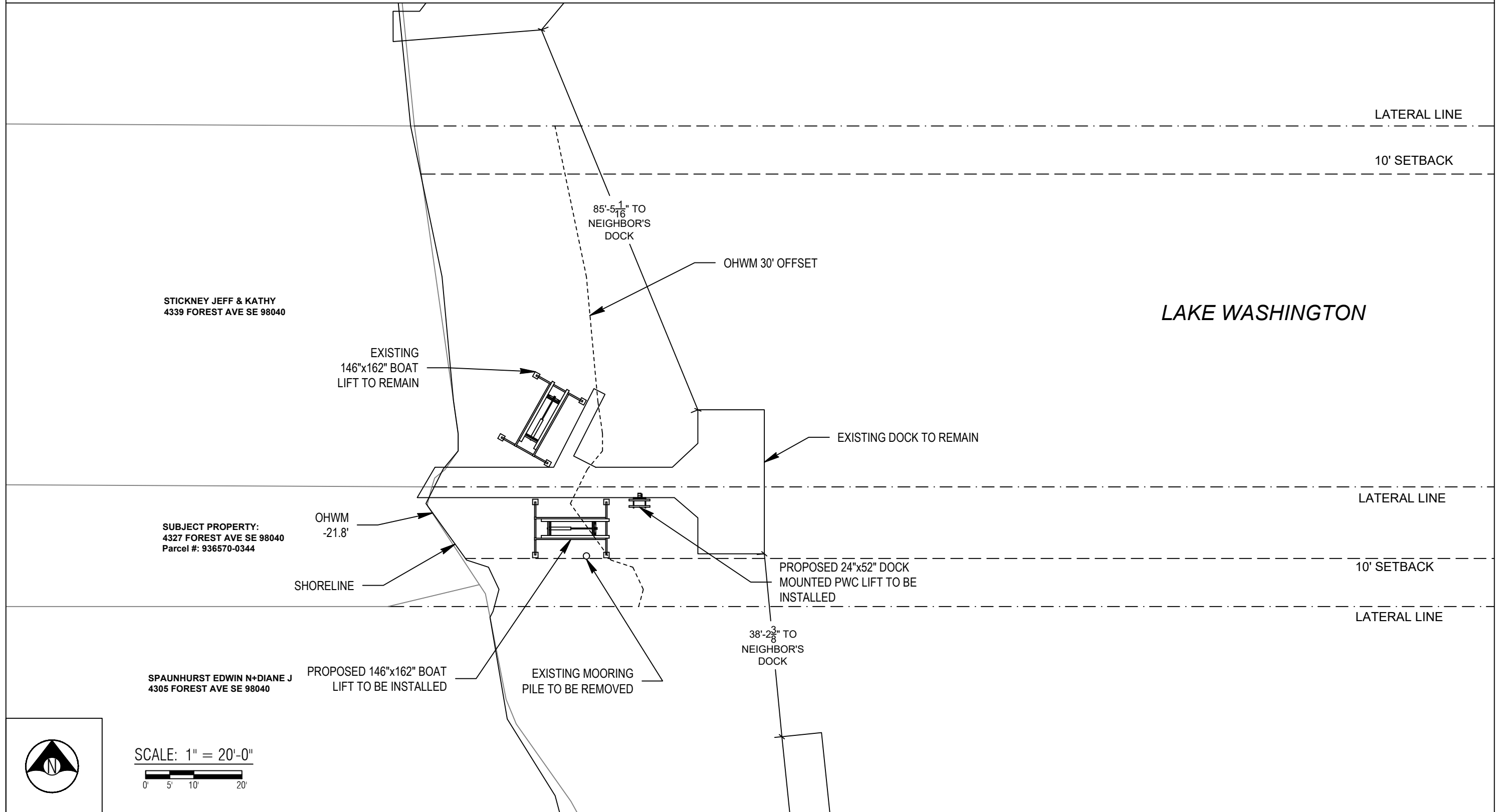
Seaborn Pile Driving  
 1080 W Ewing St  
 Seattle, WA 98119  
 Office: 206-236-1700 ext. 5  
 www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

**SHEET 3.0**

# PROPOSED CONDITIONS

**\*\*CLEAN UP LAKE AROUND PROJECT\*\***



STICKNEY JEFF & KATHY  
4339 FOREST AVE SE 98040

SUBJECT PROPERTY:  
4327 FOREST AVE SE 98040  
Parcel #: 936570-0344

SPAUNHURST EDWIN N+DIANE J  
4305 FOREST AVE SE 98040



SCALE: 1" = 20'-0"  
0' 5' 10' 20'

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

Adjacent Owners:  
STICKNEY JEFF & KATHY  
4339 FOREST AVE SE 98040  
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Created: 4/09/24  
Last Updated: 9/13/2024 8:01 AM Zion



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1080 W Ewing St  
Seattle, WA 98119  
Office: 206-236-1700 ext. 5  
www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

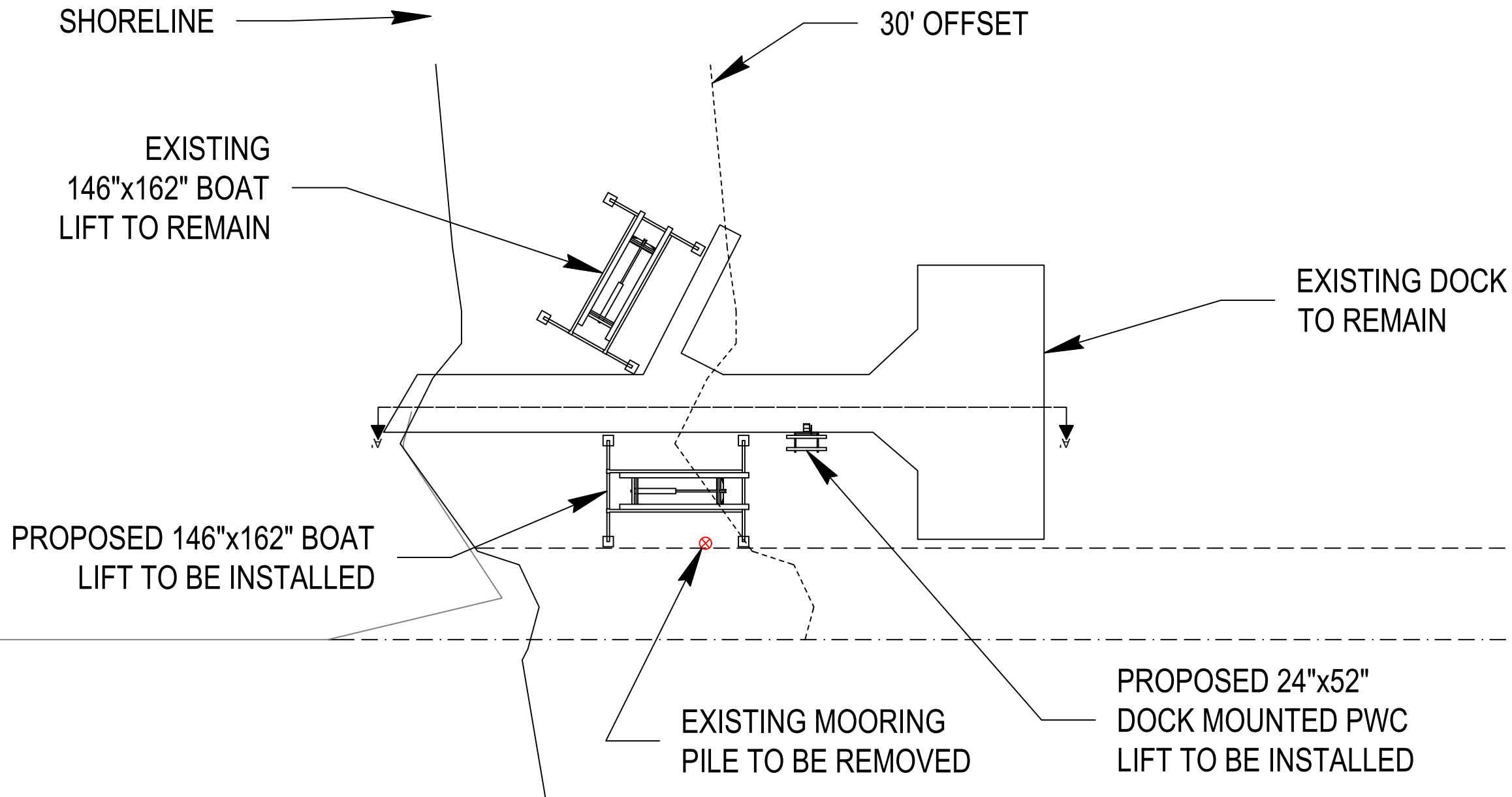
**SHEET**  
**3.0**

NWS-2024-XXX  
PAGE 3 OF 7

# PIER DETAILS - EXISTING/PROPOSED PLAN VIEW

## LEGEND

⊗ (1) 12" EXISTING MOORING PILE - TO BE REMOVED



PLAN VIEW



Seaborn Pile Driving  
1080 W Ewing St  
Seattle, WA 98119

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www.seabornpiledriving.com

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

County: King County  
Location: Lake Washington

Applicant: Garcia Residence  
4327 FOREST AVE SE  
MERCER ISLAND, WA 98040

Datum: CORPS OF ENGINEERS 1919  
NE Quarter Of Section 13, Township 24, Range 04

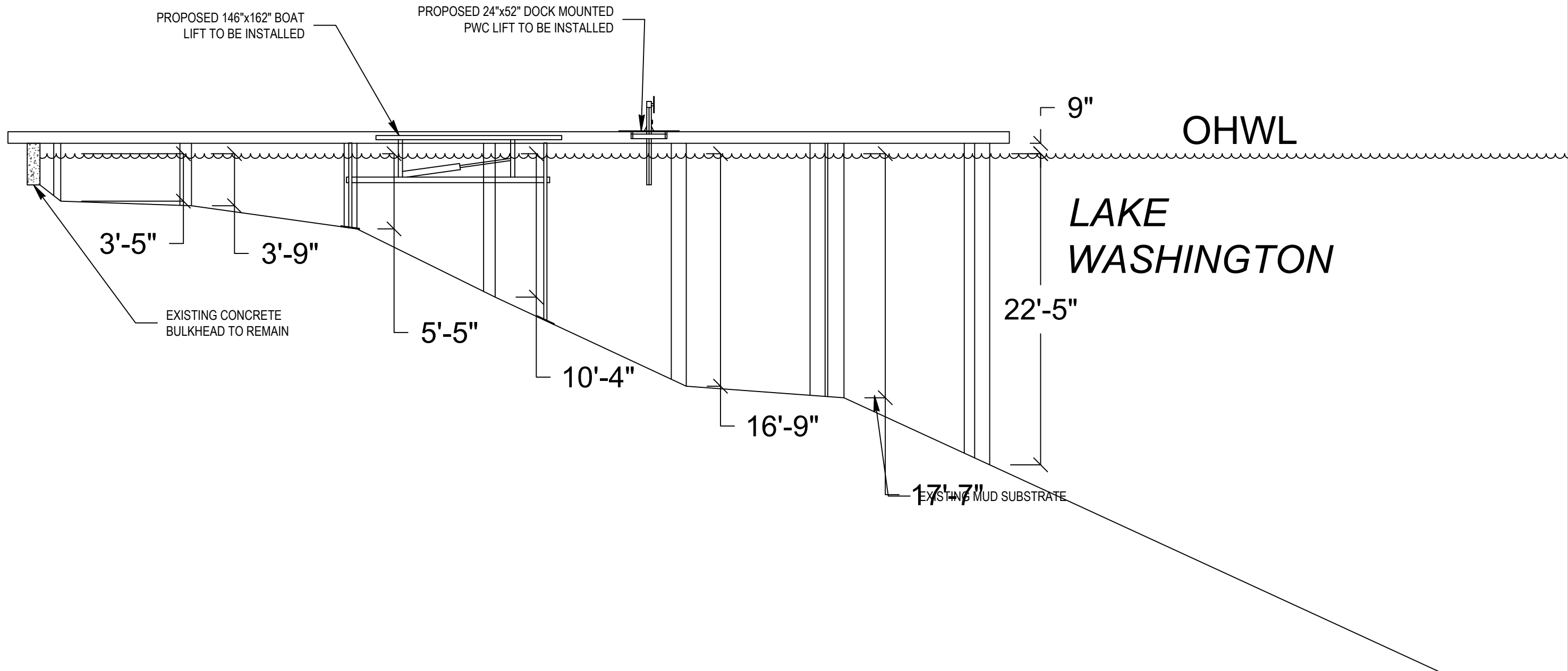
Adjacent Owners:  
STICKNEY, JEFF & KATHY  
4339 FOREST AVE SE 98040  
SPAUNHURST EDWIN N+DIANE J  
4305 FOREST AVE SE 98040

Last Updated: 9/13/2024 8:01 AM Zion

Created: 4/09/24

**SHEET**  
**4.0**

# PIER DETAILS EXISTING/PROPOSED - SECTION VIEW



SECTION VIEW: A'-A'



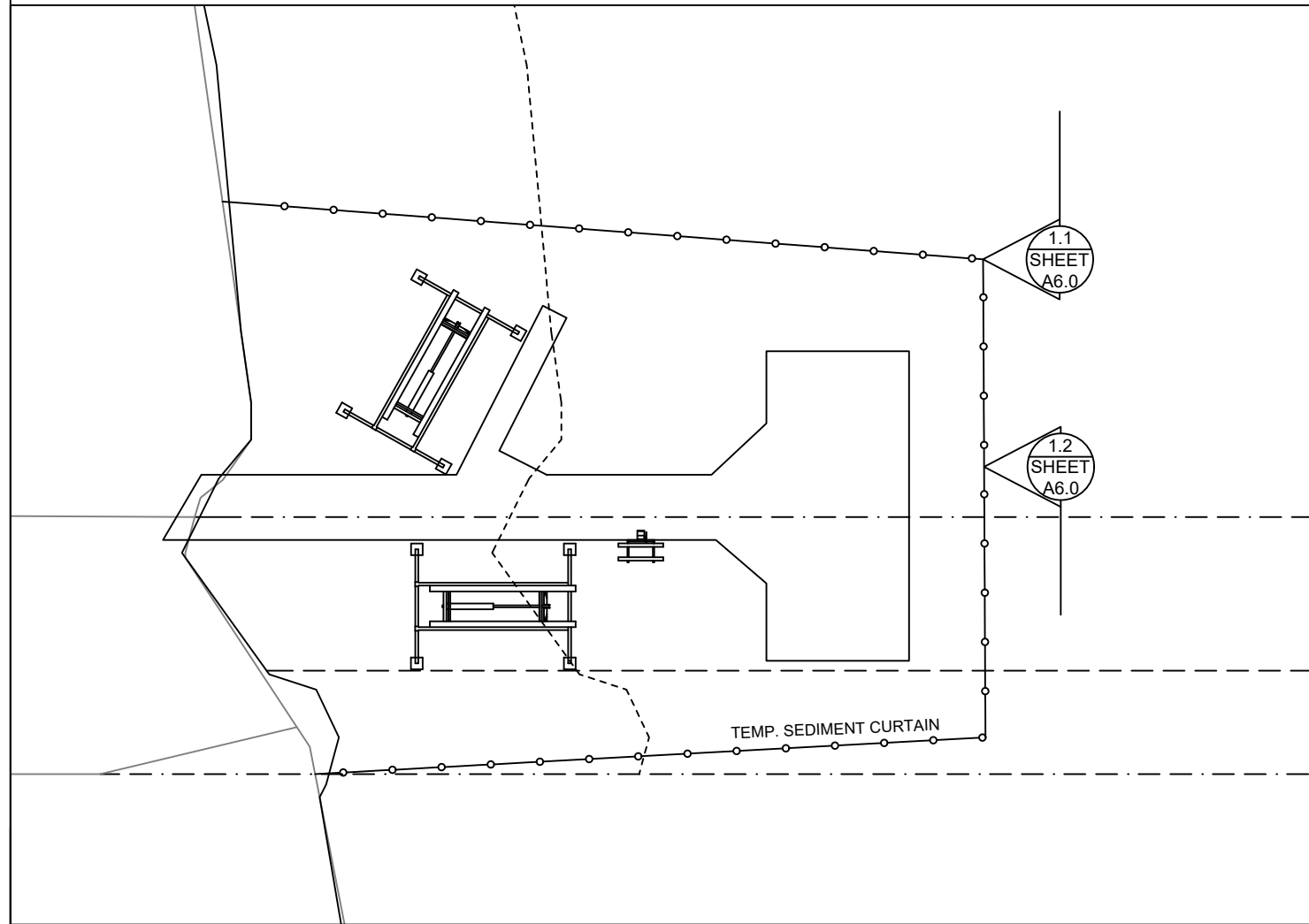
Seaborn Pile Driving  
 1080 W Ewing St  
 Seattle, WA 98119  
 Office: 206-236-1700 ext. 5  
[www.seabornpiledriving.com](http://www.seabornpiledriving.com)

Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

County: King County  
 Location: Lake Washington  
 Applicant: Garcia Residence  
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 MERCER ISLAND, WA 98040  
 Datum: CORPS OF ENGINEERS 1919  
 NE Quarter Of Section 13, Township 24, Range 04  
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 SPAUNHURST EDWIN N+DIANE J  
 4305 FOREST AVE SE 98040  
 Created: 4/09/24  
 Last Updated: 9/13/2024 8:01 AM Zion

**SHEET**  
**5.0**

# BMP INFORMATION

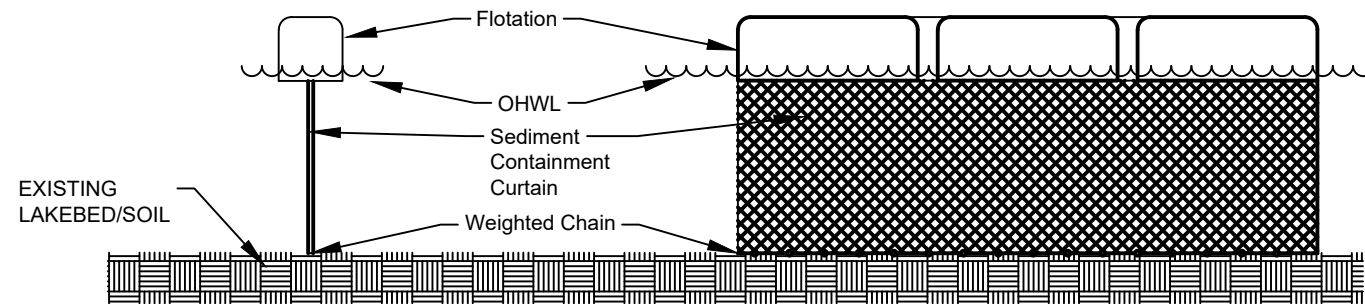


## BMP NOTES:

- A. Constant vigilance shall be kept for the presence of protected fish species during all aspects of the proposed action, particularly during in-water activities such as vessel movement, deployment of anchors & spuds, pile driving, dredging, and placement of gravels and other fill.
  1. The project manager shall designate an appropriate number of competent observers to survey the project site and adjacent areas for protected species, including the presence of fish as conditions allow.
  2. Visual surveys shall be made prior to the start of work each day, and prior to resumption of work following any break of more than an hour. Periodic additional visual surveys throughout the work day are strongly recommended.
  3. All in-water work shall be done during the in-water work window for the waterbody. Where there is a difference between the USCOE and WDFW work windows, the overlap of the two shall apply.
  4. All pile driving and extraction shall be postponed or halted when obvious aggregations or schooling of fish are observed within 50 yards of that work, and shall only begin/resume after the animals have voluntarily departed the area.
  5. When piloting vessels, vessel operators shall operate at speeds and power settings to avoid grounding vessels, and minimize substrate scour and mobilization of bottom sediments.
- B. No contamination of the marine environment shall result from project-related activities.
  1. Appropriate materials to contain and clean potential spills shall be stored and readily available at the work site and/or aboard project-related vessels.
  2. The project manager and heavy equipment operators shall perform daily pre-work equipment inspections for cleanliness and leaks. All heavy equipment operations shall be postponed or halted should a leak be detected, and shall not proceed until the leak is repaired and the equipment is cleaned.
  3. To the greatest extent practicable, utilize biodegradable oils for equipment that would be operated in or near water.
  4. Fueling of land-based vehicles and equipment shall take place at least 50 feet away from the water, preferably over an impervious surface. Fueling of vessels shall be done at approved fueling facilities.
  5. Turbidity and siltation from project-related work shall be minimized and contained through the appropriate use of erosion control practices, effective silt containment devices, and the curtailment of work during adverse weather and tidal/flow conditions.
  6. All wastes shall be collected and contained for proper disposal at approved upland disposal sites appropriate for the material(s).
  7. When removing piles and other similarly treated wood, containment curtain must fully enclose the work area. Wood debris, oils, and any other materials released into lake waters must be collected, removed, and properly disposed of at approved disposal sites.
  8. All in- and over-water wood cutting would be limited to the minimum required to remove the subject wood component, and all cutting work should be enclosed within floating containment curtain.
  9. When removing piles, no actions shall be taken that would cause adhering sediments to return to lake waters.
  10. Above-water containment shall be installed around removed piles to prevent sediment laden waters from returning to lake waters.
  11. Construction staging (including stocking of materials, etc.) will occur on the supply barge.
  12. All Exposed wood to be used on the project will be treated with a an agency approved treatment.

DETAIL 1.1

DETAIL 1.2



DETAIL 1.1 & 1.2



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County: King County  
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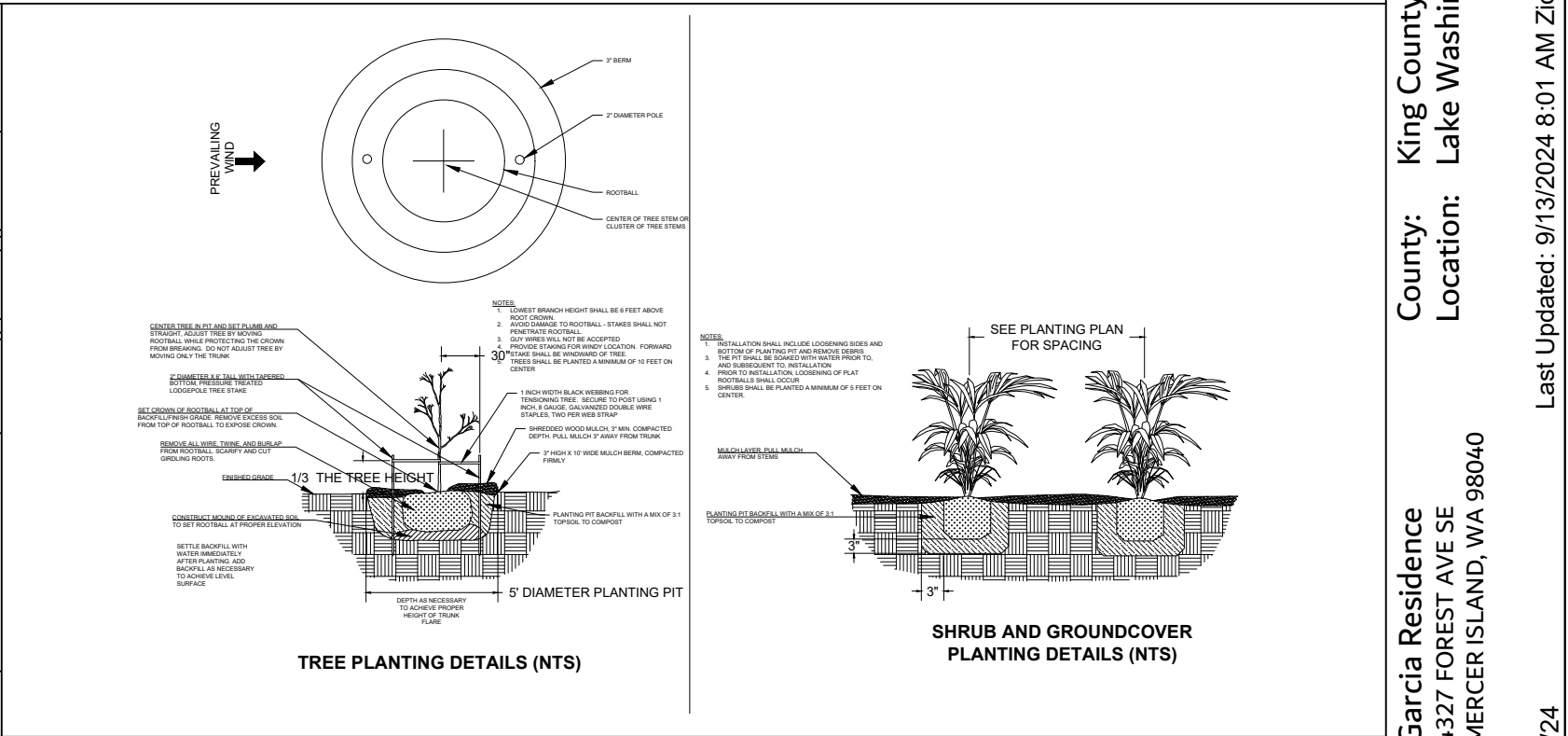
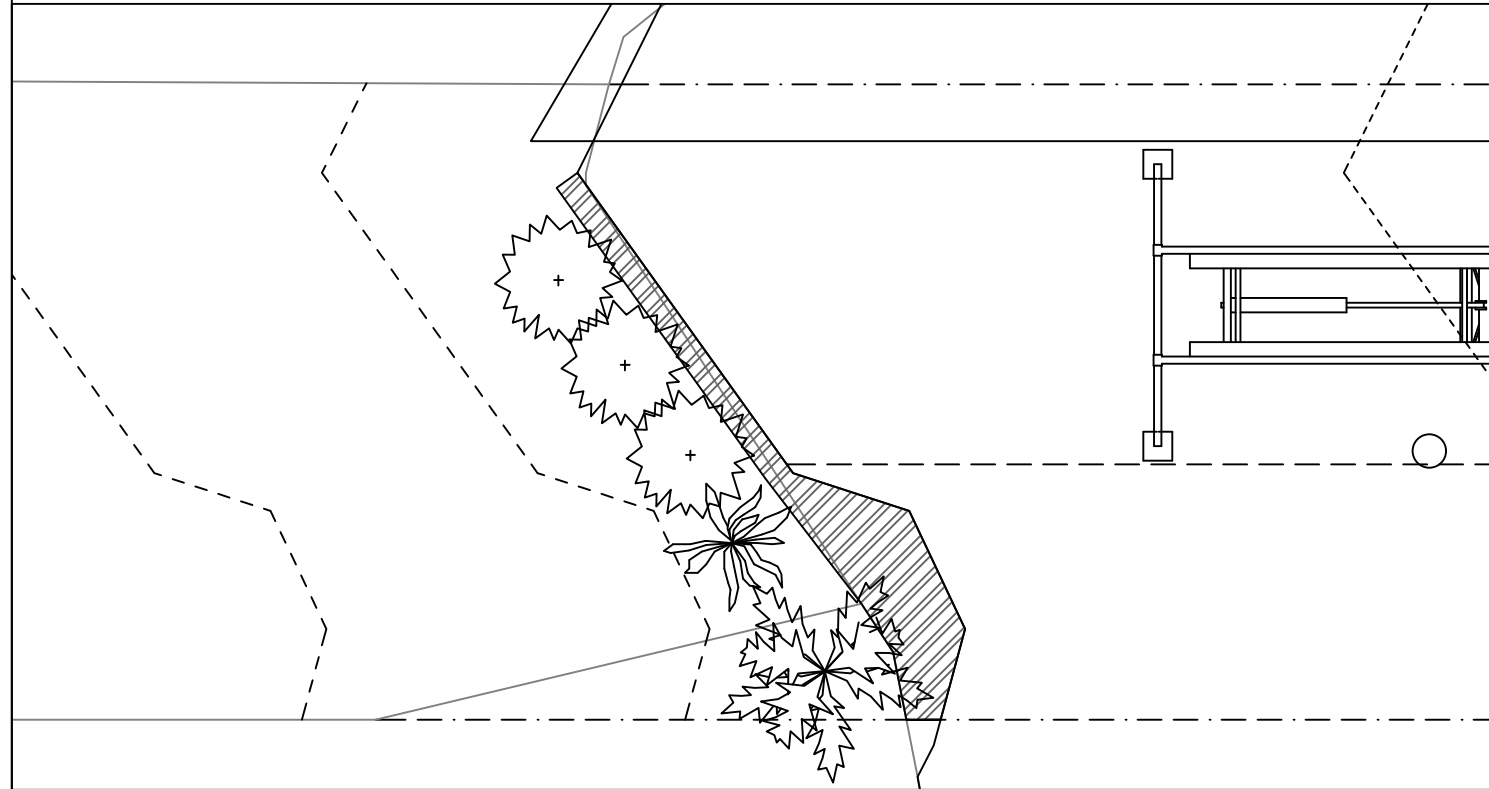
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4305 FOREST AVE SE 98040

**SHEET**  
**6.0**

# MITIGATION PLAN



**Notes:**

1. The property owner shall implement and abide by the shoreline planting plan, including the installation of the identified species, in the identified locations. Shrubs shall be planted at least five feet on center, and trees shall be planted at least ten feet on center.
2. For best plant survival, planting should be completed the first October through March period concurrent with or immediately following the work authorized by this permit. A report, as-built drawing and photographs demonstrating the plants have been installed or a report on the status of project construction will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, within 12 months from the date of permit issuance. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Report for Mitigation Work Completion form.
3. The property owner shall preserve in good health 100% of shoreline planting plan vegetation for as long as the structures that have been permitted under the RAP program remain in place. Plants that die must be replaced with the appropriate plant type (i.e. tree for tree, shrub for shrub) from the RAP Plant List.
4. The property owner shall monitor the survival of shoreline planting plan vegetation for five years (Monitoring Years 1-5) after the U.S. Army Corps of Engineers accepts the as-built report. The property owner shall also submit annual monitoring reports to the U.S. Army Corps of Engineers each year during this period. Each annual monitoring report will include written and photographic documentation that the performance standards are being met, including documentation of plant mortality and replacement. Photos will be taken from established points and used repeatedly for each monitoring year. In addition to photos at designated points, photo documentation will include a panoramic view of the entire planting area. Submitted photos will be formatted on standard 8 1/2 x 11" paper, dated with the date the photo was taken, and clearly labeled with the direction from which the photo was taken. The photo location points will be identified on an appropriate drawing. Annual shoreline planting monitoring reports will be submitted to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch, by November 31 of each monitoring year. This reporting requirement may be met by completing and submitting a U.S. Army Corps of Engineers approved Mitigation Planting Monitoring Report form.

No mitigation proposed due to scope of work only including lift installation and a removing pile.



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Scope of Work: We propose to install (1) new boat lift, (1) new dock mounted PWC lift, and remove (1) mooring pile.

Datum: CORPS OF ENGINEERS 1919  
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Applicant: Garcia Residence  
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MERCER ISLAND, WA 98040  
County: King County  
Location: Lake Washington  
Created: 4/09/24  
Last Updated: 9/13/2024 8:01 AM Zion

# **Appendix B: Site Photographs**

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Photo 1 - Existing dock looking waterward.



Photo 2 - Existing dock looking landward.



Photo 3 - Existing shoreline looking north.



Photo 4 - Existing dock looking south.



Photo 5 - Existing conditions north of the site.



Photo 6 - Existing conditions south of the site.

**From:** [Diane](#)  
**To:** [Grace Manahan](#)  
**Subject:** Comments SHL24-018&SEP24-011  
**Date:** Wednesday, March 5, 2025 12:16:05 PM  
**Attachments:** [IMG\\_0584.HEIC](#)  
[IMG\\_0585.HEIC](#)  
[IMG\\_0533.HEIC](#)  
[IMG\\_0531.HEIC](#)

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Sent from my iPhone

## Comments SHL24-018&SEP24-011

Sent from my iPhone

### Comments on

### SHL24-018&SEP24-011

Hi. I am providing you with 4 corrections regarding the above Boatlift permit. All of my corrections are legal facts, and I have sent copies of the documentation. If you need more documentation, please call me at (206) 595-5511, or email me. And all of these facts can be found in recorded public records, or by coming and looking at the subject area. Of course everyone wants you to base your decision on the correct legal information.

- 1) On the permit plan (see pic), there is no existing Boatlift on the subject property. This permit request is for a NEW Boatlift.
- 2) On the permit plan (see pic), Stickneys, the neighbors to the south, are not doing anything involved in this permit. They already have Boatlifts and do not want to add or change anything.
- 3). On the mitigation plan (see pic), a tree is shown being required on my property. The Garcias do not own that much waterfront footage. That triangle area is mine, as determined in an adverse possession court case between Tom Chenoweth, the previous owner of the subject property, and a previous owner of my property. All mitigation plantings should only be on the permit request property, not on mine.
- 4) On your permit plan (see pic), the 10' setback line is not in the correct place. The previous owner, Tom Chenoweth, and Seaborn accidentally built Tom's (now Garcia's) dock WITHIN 9' of my property line, instead of more than 10' from my property line (See pic of court findings). So the setback line cuts through at least 1' of the north edge of their dock. It is legally recorded that a previous owner of my property granted a waiver to the city's 10' setback requirement for this dock so it can remain in its' encroaching space,

instead of making them remove at least a foot of the dock. I think these two court findings were done at the same time (please see pics of the court findings).  
Thank you.

Also, just to let you know, I let Garcias and all other prospective buyers of the subject property know that Tom Chenoweth, the previous owner, told me that he had never put in a boat lift there, because he didn't legally have enough room for it. I openly and honestly told all prospective buyers to be aware, before buying, that there may not be enough room for them to put in a Boatlift.

Please call me right away and let me know if any of these 4 pics did not come through well enough to be read. 206 595-5511. Thanks,

I appreciate it!

I can also bring all the actual pages to you, if you would like that.

I received all these court documentation pages with my title report upon purchasing my property.

May I please receive copies of your updates and findings on this matter? Thanks so much for everything.

Sent from my iPhone



## REVIEW REPSONSE

Prepared by: Emerald City Permit Company

Prepared for: SHL24-018 & SEPA24-011 \_ Garcia Residence

Date: 06-18-2025

This letter serves as a response to a permit correction letter received by Seaborn Pile Driving on 03/05/2025 from the City of Mercer Island. This letter is in response to a submittal for a shoreline and SEPA permit.

We have the US Army CORPS permit, it is included for reference in this submittal per the plan set page 2 note and MICC 19.13.050 (F)(3)(v).



Dear Grace,

Thank you for sending over the Submittal Response, Review letter 2.

Below are the comments received on 03/05/2025 for permit SHL24-18 / SEP24-011. I have included my responses to those comments as well as some support documentation to help support those responses.

**CITY COMMENTS:**

**Planning:**

1. Submit updated plan set you tried to resubmit today (3/5).
  - a. The plan set has been updated and corrected based on the supporting document survey from Salish Geo from 06/10/2025.
2. Please submit the following information:
  - a. A shared dock agreement or other documentation with the neighbors to the South (4339 Forest Ave).
    - i. Please see the attached shared dock agreement with the current neighbors.
  - b. Affidavit of Agent Authority
    - i. Please see attached Agent Authority affidavit
  - c. Affidavit of Ownership
    - i. Please see attached ownership affidavit.
3. Provide information about the existing boat lift and when it was permitted. If it is unpermitted please add it to the scope of work proposed.
  - a. Unable to locate a record indicating the existing boatlift was permitted. A Shoreline permit for that property was issued 2000. BLDG 0006-158. The installation of the boatlift dates back to 1992 through aerials. This has been included in our permit submittal.
4. Respond to each of the 4 points in the public comment received
  - a. Please see below for "Public Comments addressed" noting a response to the 4 points in the public comments
5. Provide a survey to verify the location of the existing dock.
  - a. Please see the attached document "1825-4327 Forest Ave SE TOPO (signed)" for the survey to verify location of the existing dock.



## **PUBLIC COMMENTS - ADDRESSED**

1) My property line, This tree should not be drawn or planted on my property  
- There is no proposed mitigation for this project, no tree will be planted on their property. Then mitigation shown is a general location for existing plants.

2) No proposed Lift here. It already exists. Stickney's are not involved in this permit.  
- For city response requirements, we will call this out as "Existing unpermitted boatlift, legally establishing on current permit submittal SHL24-018.

3) No existing boat lift is here. They want a permit for a new boat lift.  
- Updated to reflect proposed new lift instead of existing. There was a clerical error by Seaborn that stated that we had a boatlift and our neighbors do not. This was accidentally entered on one document and not the other submitted to the city with our permit plans. It will be submitted accurately with the June 2025 corrections (these were also submitted by Seaborn to the city on 2/21/25 and 3/5/25 once the error was brought to our attention). This has been corrected on the revised plan sets for submittal.

4) This 10' setback line is not correct.  
- I have updated the lateral line and included supporting documents for the lateral line shown.  
- Include with this submittal are supporting documents that indicate the line shown from the comment is inaccurate to what is recorded with the county. The trial memorandum notes from April 20, 1982 from Superior Court Case 81-2-00149-1 show the setback concern is only the far NW corner of the dock and not the whole lateral line of the property. I have attached the common boundary line agreement that was established in perpetuity for these properties to confirm both properties agree with that corner being out of compliance. The Adverse Possession case in 1986 outlines a triangle of the project property along the shoreline and does not address or impact the lateral line out into the water. I have also included a more recent document, the survey the client just commissioned, by Salish Geo, that aligns nearly identically with the superior court case documents.

If you have any additional questions, or need any additional information, please let me know!

Thank you for your time,  
Kelsey

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# COMMUNITY PLANNING & DEVELOPMENT

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



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## DETERMINATION OF NON-SIGNIFICANCE (DNS)

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- Application Nos.:** SEP24-011
- Description of proposal:** Review under the State Environmental Policy Act (SEPA) for the installation of 1 new boat lift, 1 new dock mounted PWC lift, and remove 1 mooring pile.  
A SEPA threshold Determination of Non-Significance was originally issued for this project on August 11, 2025 but that determination was withdrawn on August 14, 2025 due to an administrative error. The City of Mercer Island is now re-issuing the Determination of Non-Significance to resolve the administrative error.
- Proponent:** Kelsey Meyer (Emerald City Permit Company.) / Grant & Natasha Garcia.
- Location of proposal:** 4327 Forest Ave SE, Mercer Island, WA 98040
- Lead agency:** City of Mercer Island
- Project Documents:** <https://permitbulletin.mercerisland.gov/public/SHL24-018%20&%20SEP24-011/>

Possible critical area impacts are addressed by Mercer Island City Code Chapter 19.07. In addition, the proposed development must comply with the City's Shoreline Master Program (MICC 19.13). Based on review of the proposal and applicable City code sections, the lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment that is not addressed by the aforementioned code sections. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist. This information is available to the public on request.

<input type="checkbox"/>	There is no comment period for this DNS.
<input type="checkbox"/>	This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
<input checked="" type="checkbox"/>	This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by September 2, 2025 <u>at 5:00 PM.</u>

Responsible Official: Grace Manahan, Code Compliance Planner  
grace.manahan@mercerisland.gov | (206) 275-7764

Date: August 18, 2025

Signature: /s/ Grace Manahan, Code Compliance Planner

### APPEAL INFORMATION

This decision to issue a Determination of Non-significance (DNS) rather than to require an EIS may be appealed pursuant to Section 19.21 of the Mercer Island Unified Land Development Code, Environmental procedures.

<input checked="" type="checkbox"/>	Any party of record may appeal this determination to the City Clerk at 9611 SE 36 <sup>th</sup> Street, Mercer Island, WA 98040 no later than <b>5pm on September 2, 2025</b> by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify, or remand this 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.
<input type="checkbox"/>	There is no agency appeal.

<input type="checkbox"/>	Any person aggrieved by the issuance of this decision may seek review from the <b>Shorelines Hearings Board</b> by filing a petition for review within twenty-one days from the date of filing of the decision as defined in <a href="#">RCW 90.58.140(6)</a> .  Within seven days of the filing of any petition for review with the Board, the petitioner shall serve copies of the petition on the Washington State Department of Ecology, the Office of the Attorney General, and the City of Mercer Island.  More information on this process can be found on the Shoreline Hearing Board's website: <a href="http://www.eho.wa.gov/">http://www.eho.wa.gov/</a> or by calling (360) 664-9160.
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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 DECISION

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**NOTICE IS HEREBY GIVEN** that approval has been granted for the application described below:

**File No.:** SHL24-018

**Permit Type:** Type III

**Description of Request:** A request for a Shoreline Substantial Development Permit with SEPA Review to install 1 new boat lift, 1 new dock mounted PWC lift, and remove 1 mooring pile. A Notice of Decision was originally issued for this permit on August 11, 2025, but that determination was withdrawn on August 14, 2025, due to an administrative error. The City of Mercer Island is now re-issuing the Notice of Decision to resolve the administrative error.

**Applicant/Owner:** Kelsey Meyer (Emerald City Permit Company) / Grant and Natasha Garcia

**Location of Property:** 4327 Forest Ave SE, Mercer Island, WA 98040  
King County Assessor tax parcel number: 936570-0344

**SEPA Compliance:**

A Determination of Nonsignificance (DNS) was issued on August 18, 2025, following the DNS process per Washington Administrative Code (WAC) 197-11-340. The SEPA application is identified by City of Mercer Island project number SEP24-011.

**Applicable Development Regulations:** Pursuant to Mercer Island City Code (MICC) [19.15.030](#) Table A, applications for Shoreline Substantial Development Permits 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.

**Other Associated Permits:** N/A

**Project Documents:** <https://permitbulletin.mercerisland.gov/public/SHL24-018%20&%20SEP24-011/>

**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.

<b>Application Process Information:</b>	Date of Application:	July 18, 2024
	Determined to Be Complete:	January 24, 2025
	Public Comment Period:	February 3, 2025 through 5:00 PM on March 5, 2025
	Date Notice of Decision Issued:	September 3, 2025
	Appeal Filing Deadline:	5:00 PM on September 24, 2025
<b>Project Contact:</b>	Grace Manahan, Code Compliance Planner grace.manahan@mercerisland.gov   (206) 275-7764	