

August 20, 2025

Mr. Ryan Harriman, Planning Manager  
City of Mercer Island - Community Planning & Development  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

**Subject:** Covenant Village at the Shores, Commons Building; Mercer Island, WA  
Setback Deviation Application

Dear Ryan:

The purposed of this letter is to request a setback deviation for a reduction in the required side yard setback for the proposed new Commons Building at the Covenant Village at the Shores property at 9150 Fortuna Drive, for the protection of critical areas. We have included the Criteria for Approval for Setback Deviations from MICC 19.06.110.C and provided a response to each item of this code section.

## 19.06.110.C - Criteria for Approval—Setback Deviations

1. *Purpose.* The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.

***Response:** Redevelopment of the Commons Building at the Covenant Village at the Shores is significantly constrained by the east property line and the piped watercourse setback. The requested side yard setback deviation will increase protection of a critical area or buffer in three ways: 1) by allowing a reduced hardscape footprint in the piped watercourse setback, 2) by providing substantial native planting that replaces lawn grass along the lakeshore, and 3) by providing trees within the reduced side yard setback. These project elements will improve habitat along the lakeshore by increasing avian foraging opportunities, providing diffuse overwater shade to the aquatic environment, and eventual recruitment of woody debris to the lake to support the aquatic food web.*

2. *Criteria.* A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:
  - a. No use deviation shall be allowed;

***Response:** No use deviation is being proposed.*

- b. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;

***Response:** Granting of this deviation will not result in any materially detrimental condition to the public welfare or be injurious to the property or improvements in the vicinity, nor to the zone in which the property site is situated.*

- c. The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;

***Response:** Granting this deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property. The proposed project will provide landscape improvements and trees along the side yard buffer that will enhance the separation from the adjacent property. The project will also enhance the shoreline buffer by increasing avian foraging opportunities, providing diffuse overwater shade to the aquatic environment, and eventual recruitment of woody debris to the lake to support the aquatic food web.*

- d. The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;

***Response:** The approval of this this deviation request will provide the required life and safety fire lane while preserving the setback associated with the existing storm drainage pipe that conveys an existing watercourse along west of the building, and will allow a prominent section of shoreline to be enhanced with native plantings, which will improve avian foraging opportunities and the aquatic environment along the shoreline. The provided side yard buffer will be planted with lush landscaping and trees and will be an improvement compared to existing conditions.*

- e. The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;

***Response:** The basis of this deviation request is not the direct result of any past action by the current or prior project owner.*

- f. The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;

***Response:** This setback deviation is associated with the approval of a development located on a single lot or subdivision (project site) that is significantly constrained by a wetland, piped watercourse, shoreline, and associated setbacks and buffers. The project is leaving the piped watercourse as-is and providing a 45-foot setback in accordance with the city code. The*

*proposed building width is necessary for the operation and function of the proposed building, and without the construction of the proposed project, none of these noted critical area enhancements will occur.*

- g. The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers;

***Response:*** *The construction of the proposed building will allow the project to also enhance critical area buffers around the site, increasing avian foraging opportunities, providing diffuse overwater shade to the aquatic environment, and improving shoreline conditions to support the aquatic food web.*

- h. Yard setbacks shall not be reduced below the following minimums:
  - i. Front and rear setbacks may not be reduced to less than ten feet each;

***Response:*** *No reduction to the front or rear setbacks are proposed.*

- ii. Side setbacks may not be reduced to less than five feet.

***Response:*** *The side yard setback along the eastern property is proposed to be reduced to 14 feet.*

We appreciate your review of this setback deviation request. Should you have any questions regarding the responses contained herein, please do not hesitate to contact me at 425.845.3838 or at my email address below. Thank you for your review.

Sincerely,

**Navix Engineering LLC**



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