

February 13, 2026

Ms. Grace Manahan, Code Compliance Officer  
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 Grace:

The purpose 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. The responses have also been updated as requested with the Land Use Review Letter #1, dated November 24, 2025.

## 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.

Development area breakdown within the piped watercourse setback and wetland buffer areas, with and without the granting of the setback deviation:

<i>Setback Area</i>	<i>Development Type</i>	<i>With Deviation</i>	<i>Without Deviation*</i>
<i>Wetland Buffer</i>	<i>Building</i>	<i>0</i>	<i>0</i>
<i>Wetland Buffer</i>	<i>Hardscape</i>	<i>0 SF (existing, no new proposed)</i>	<i>534 SF</i>
<i>Piped Watercourse Setback</i>	<i>Building</i>	<i>0 SF</i>	<i>3,590 SF</i>
<i>Piped Watercourse Setback</i>	<i>Hardscape</i>	<i>7,352 SF</i>	<i>7,352 SF</i>

\* Note: The 'Without Deviation' proposal is based on the proposed site plan shifted west by 10 feet to accommodate the standard 20-foot side yard buffer.

- 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. The proposed project will provide site improvements within the perimeter setback area that are designed by professional engineers and landscape architects and will permanently stabilize and beautify the site. Retaining walls required to support grade changes between the east property line and the drive aisle will be designed by a geotechnical engineer, and the project landscape architect will design the permanent planting plan. Plants will be native species. A fence will be constructed along the property line. All improvements will be consistent with other development in the general vicinity and zone.

The proposed site layout also results in less impact to the piped watercourse setback area and wetland buffer area, which is a benefit to the surrounding environment.

- 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 character of the neighborhood is centered around the coexistence of a residential neighborhood and senior housing community, and their combined relationship to the surrounding natural environment. This character will be

*enhanced with the granting of the deviation, as the improvements to the shoreline and natural habitat that will be implemented would otherwise not occur.*

*The use and development potential of the adjacent properties will not be affected by the granting of the deviation. There are two residential-zoned properties to the east of the Covenant Shores property, with the 9202 building closest to the shoreline, and the 9204 building further south. Both parcels are zoned Residential R-8400, which will remain unchanged. No improvements made to the subject property will impede any use or development potential of these properties.*

*The north end of the proposed building is located approximately in the same location of the north extent of the existing Lodge building that will be replaced. The proposed building is further south than the adjacent 9202 residence, which is constructed near the lake shoreline.*

*All development within 200 feet of the shoreline is restricted in terms of height and impervious area, among other criteria. Within 200 feet of the shoreline, the relationship between the proposed building and the adjacent property will not be materially different than existing conditions. From the 200-foot line southward, the proposed building is 35 feet in height, slightly taller than the existing building.*

*Fourteen existing trees along the east property line will be removed and replaced with new landscaping improvements. The existing trees must be removed whether the deviation is granted or not, due to the required fire lane, utilities, and grading activities necessary for the proposed project.*

- 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 approximately 700 linear feet of shoreline to be enhanced with native plantings, which will improve avian foraging opportunities and the aquatic environment along a significant length of shoreline. The provided side yard buffer will be planted with lush landscaping and trees and will be an improvement compared to existing conditions. These improvements align with the Comprehensive Plan's emphasis on Sustainability.*

*The Comprehensive Plan's Community Values section states that cherishing the environment and having a sustainable community are guiding principles. Approving this deviation request allows Covenant Shores, a valued neighbor of the community for decades, to better serve their residents while also providing important environmental improvements to their property that will benefit the public and help Mercer Island to continue to be one of Puget Sound's most livable*

*residential communities. Having a senior housing development that provides services on par with Mercer Island's high standards also aligns with the Comprehensive Plan's goal of supporting a diversity of quality uses aside from single family residential housing, as well as providing high quality neighborhoods (see Housing Element, Section III).*

*In particular, Goal 5 of the land use policies is to "encourage a variety of housing forms for all life stages..." Covenant Shores is Mercer Island's largest senior housing development, and facilitating improvements has benefits for the entire Mercer Island community.*

*Goal 19 is centered on protecting and enhancing habitat for native plants and animals. The proposed project includes enhancements along the shoreline and within the wetland area, which is currently grass. Covenant Shores' 700 feet of shoreline most likely represents the longest private shoreline on the island, and a significant opportunity to enhance the shoreline habitat. This opportunity also aligns with the goals of protecting and improving the shoreline environment (see Shoreline General Goals and Policies, Shoreline Habitat and Natural System Enhancement Projects.)*

*Goal 21 discusses promoting green building methods, standards, and materials, and Goal 27 discusses a reduction in greenhouse gas emissions. The proposed building will be designed with sustainability at the forefront, and the new building will be significantly more energy efficient than the existing Lodge building that will be replaced.*

- 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. The basis of this deviation request is to provide a much-needed new commons building for residents while providing the required 45-foot setback from a piped watercourse to allow for future daylighting and accommodating a 26-foot wide fire lane, which is the width required by fire code. No action by the current or prior property owner has anything to do with the conditions present that are squeezing the developable area for this new building.*

- 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.*

*By granting the deviation, the proposed fire lane can be located on the east side of the proposed building, which allows the project to minimize improvements and hardscape in the setback area. If the deviation is not granted, the project could locate the required utility and site improvements in the setback area, which would preclude future daylighting opportunities.*

- 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.*

*Development areas within the piped watercourse setback and wetland buffer in the existing conditions and proposed conditions are shown in the table below:*

<i>Setback Area</i>	<i>Development Type</i>	<i>With Deviation</i>	<i>Without Deviation*</i>
<i>Wetland Buffer</i>	<i>Building</i>	<i>0</i>	<i>0</i>
<i>Wetland Buffer</i>	<i>Hardscape</i>	<i>0 SF (existing, no new proposed)</i>	<i>534 SF</i>
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*\* Note: The 'Without Deviation' proposal is based on the proposed site plan shifted west by 10 feet to accommodate the standard 20-foot side yard buffer.*

- 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.*

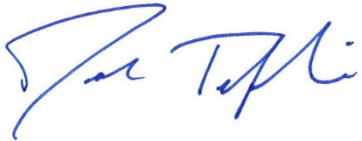
- ii. Side setbacks may not be reduced to less than five feet.

**Response:** *The side yard setback along the eastern property is proposed to be reduced to 10 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**

A handwritten signature in blue ink, appearing to read "Joe Taflin". The signature is fluid and cursive, with the first name "Joe" and last name "Taflin" clearly distinguishable.

Joe Taflin, P.E. LEED AP

Principal

[joe@navixeng.com](mailto:joe@navixeng.com)