



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

April 21, 2025

Sarah Bluvas
City of Mercer Island Public Works Department
9601 SE 36th Street
Mercer Island, WA 98040

**Re: City of Mercer Island Permit Numbers SHL22-023, SHL22- 024, SHL22-025, SHL23-043,
SHL23-044, SHL23-045
Ecology Shoreline Conditional Use / Variance Permit Number 2024-NWRO-8260**

Dear Sarah Bluvas:

On September 23, 2024¹, the Department of Ecology (Ecology) received the City of Mercer Island decision on a shoreline conditional use permit and variance permits to allow for in-water, overwater, and upland development at Luther Burbank Park: repair and reconfiguration of docks, installation of a wave attenuator, overwater stair construction, beach expansion, ADA-compliant trail construction, and vegetation enhancement.

The proposal requests four variances to exceed Mercer Island Shoreline Master Program limits on dock width, pile diameter, light transmission, and pier height. The initial proposal requested a conditional use permit to install new shoreline stabilization measures at the beach north of the central waterfront; the revised proposal does not include new shoreline stabilization measures.

The proposal includes compensatory mitigation: removal of a disused 132-square-foot pier, removal of debris from the bed of Lake Washington, and 2451 square feet of vegetation enhancement at the north beach.

¹ Ecology sent a letter of incomplete submittal on November 4, 2024, requesting additional information to complete our review of the locally approved shoreline permit. The applicant provided a response on December 16, 2024. Ecology met with the applicant on January 13, 2025 and again on January 22, 2025 to discuss what changes would complete the response. The applicant provided additional materials on February 28, 2025, March 24, 2025, and April 2, 2025, thus completing submittal of the project materials for Ecology's review.

The subject property (King County tax parcel number 0624059014) is located at 2040 84th Avenue SE, Mercer Island, WA 98040. The project area is within the Urban Park shoreline environment designation adjacent to Lake Washington.

By law, Ecology must review this shoreline conditional use / variance permit for compliance with:

- The Shoreline Management Act (Chapter 90.58 Revised Code of Washington),
- Ecology's conditional use permit (Chapter 173-27-160 Washington Administrative Code) and variance permit approval criteria (Chapter 173-27-170 Washington Administrative Code), and
- The City of Mercer Island Shoreline Master Program.

After reviewing shoreline conditional use permits / shoreline variance permits for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.

Our Decision:

Ecology **approves** your shoreline conditional use permit / variance permit provided your project complies with the conditions required by the City of Mercer Island's September 12, 2024 shoreline conditional use permit / variance staff report and decision document, along with the following conditions:

1. Clarification that the approved plan for the north beach portion of the project is the revised north beach site plan submitted to Ecology on February 28, 2025 and subject to condition 2 (below).
2. Add 450 square feet of new enhancement of existing lawn to the February 28, 2025 north beach plan.
3. The approved plan for the rest of the project is the revised plan submitted on April 23, 2024.
4. Submit to Ecology a final mitigation plan, including an impact analysis, for review and approval.
5. Ecology shall review the mitigation plan required under condition 4 (above) within fourteen days of receipt and will provide a decision or feedback on necessary changes to the applicant.
6. Following installation of the proposed mitigation, submit to Ecology the as-built plan to ensure compliance with the mitigation as proposed. Submit the report to smp@ecy.wa.gov with the subject line "2024-NWRO-8260 Mitigation". Include a summary of the lakebed debris removal element of the mitigation.



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Ecology has filed the substantial development permit with this decision.

Please note, however, that other federal, state, and local permits may be required in addition to this shoreline permit.

What Happens Next?

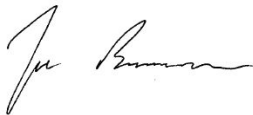
Before you begin activities authorized by this permit, the law requires you to wait at least 21 days from the date we mail this letter, the “date of filing.” This waiting period allows anyone (including you) who disagrees with any aspect of this permit, to appeal the decision to the state Shorelines Hearings Board (SHB). You must wait for the conclusion of an appeal before you can begin the activities authorized by this permit.

The SHB will notify you by letter if they receive an appeal. We recommend you contact the SHB before starting development to ensure they have not received an appeal. You may reach them at (360) 664-9160, eluho@eluho.wa.gov, or [Shorelines Hearings Board](#).

If **you** want to appeal this decision, you can find appeal instructions (Chapter [461-08](#) WAC) at the SHB website above or on the website of the Washington State Legislature at <http://apps.leg.wa.gov/wac/default.aspx?cite=461-08>.

If you have any questions about this letter, please contact Matthew Evinger at (206) 743-6606 or matthew.evinger@ecy.wa.gov.

Sincerely,



Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program

Sent via email: Sarah Bluvas, Mercer Island Public Works
Molly McGuire, Mercer Island Community Planning and Development
Matthew Evinger, Department of Ecology

