
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



STAFF REPORT

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Project No.:	SHL23-049
Description:	A request for a Shoreline Substantial Development Permit with SEPA Review for the installation of a new translucent canopy cover over an existing boatlift.
Applicant / Owner:	Evan Wehr (Ecco Design, Inc.) / Jo Lynn Allen
Site Address:	6435 77 th Ave SE, Mercer Island, WA 98040; Identified by King County Assessor tax parcel number 2524049160.
Zoning District:	Single Family Residential (R-15)
Staff Contact:	Molly McGuire, Planner
Exhibits:	<ol style="list-style-type: none">1. Development Application, received by the City of Mercer Island on October 17, 20232. Development Plan Set, dated October 16, 2023 and received October 17, 20233. Project Narrative, received October 17, 20234. Joint Use Agreement, recorded June 20, 2023 and received October 17, 20235. SEPA Checklist, received October 17, 20236. Determination of Complete Application, dated October 31, 20237. SEPA Determination of Nonsignificance Issued by the City of Mercer Island on December 11, 2023

INTRODUCTION

I. Project Description

The applicant has requested approval of a Shoreline Substantial Development Permit for the installation of a new translucent canopy cover over an existing boatlift.

The proposal consists of the following components:

1. A request to install a new translucent canopy cover over an existing boatlift subject to the standards of Mercer Island City Code (MICC) 19.13.050(E), covered moorage.

II. Site Description and Context

1. The proposed activity is to occur at 6435 77th Ave SE, Mercer Island, WA 98040. The site is designated Single Family Residential (zoned R-15) in the Urban Residential Environment 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.

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 October 17, 2023. The application was determined to be complete on October 31, 2023.
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. The comment period for the public notice period lasted for 30 days, from November 6, 2023 to December 6, 2023. 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.

No public comments were received during the 30-day public comment period.

IV. State Environmental Policy Act (SEPA)

A Determination of Nonsignificance (DNS) is being issued concurrently with the approval of this shoreline substantial development permit following the optional DNS process per Washington Administrative Code (WAC) 197-11-355 (**Exhibit 7**). The SEPA application is identified by City of Mercer Island project number SEP23-016.

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

1. 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 proposed translucent moorage cover would be located on a lot that contains one private moorage facility and one shared moorage facility. The private moorage facility is owned by the adjacent property at 6451 77th Ave SE and was constructed prior to 1946 based on the City's aerial imagery. The shared moorage facility, located between the subject property and the adjacent property, was permitted through a Shoreline Substantial Development Permit on April 18, 1988, making these moorage facilities legally nonconforming and allowed to be maintained, repaired, renovated, or remodeled per MICC 19.13.020(A). The translucent canopy cover would not increase the nonconformity and would be in constructed in compliance with the standards in the City's SMP per MICC 19.13.020(B).

- 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 translucent moorage cover would be located within a moorage facility located less than 10 feet from the lateral line. A Joint Use Agreement (Exhibit 4) was provided with the application materials; therefore, this requirement 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 contain boat ramps or other facilities for launching boats by auto or hand; therefore, this requirement 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 translucent moorage cover would not extend further waterward from the OHWM than the existing platform lift, permitted in 1988; therefore, this requirement does not apply.

- e. The width of moorage facilities 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 proposed development does not alter the width of the existing moorage facility, permitted in 1988; therefore, these requirements do 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 proposed development does not alter the width of the existing moorage facility, permitted in 1988; therefore, this requirement 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 requirement 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 does not include mooring piles, diving boards, or diving platforms; therefore, this requirement does not apply.

- i. The minimum water frontage for a dock used by two single-family lots on the shoreline is 40 feet combined.

Staff Analysis: The combined water frontage for both lots is greater than 40 feet; therefore, this requirement 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).

Staff Analysis: The proposed covered moorage would be 11 feet 6 inches above the OHWM (**Exhibit 2, Sheet 5**); therefore, this criterion is met.

- 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.

Staff Analysis: The proposed coverage moorage meets MICC 19.13.050(E)(1); therefore, this criterion does not apply.

- 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.

Staff Analysis: The proposed covered moorage would not be located outside of the triangle established in MICC 19.13.050(E)(1); therefore, this criterion is met.

- iv. Where a covered moorage or moorage facility is built pursuant to the agreement of owners of adjoining single-family lots located on the shoreline, the covered moorage area shall be deemed to include, subject to limitations of such joint agreement, all of the combined areas lying within the triangles extended upon each adjoining property and the inverted triangle situated between the aforesaid triangles, as illustrated in Figure B.

Staff Analysis: The proposed covered moorage is located within the combined areas lying within the triangles extended upon each adjoining property and the inverted triangle situated between the aforesaid triangles (**Exhibit 2, Sheet 3**); therefore, this criterion is met.

- v. Covered moorage is not allowed within the first 30 feet from the OHWM unless the applicant:

- Demonstrates to the code official's satisfaction that proposed project will not create a net loss in ecological function of the shorelands; and
- Provides 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: The proposed covered moorage is located greater than 30 feet waterward from the OHWM (**Exhibit 2, Sheet 5**); therefore, this criterion does not apply.

- vi. 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.

Staff Analysis: The proposed covered moorage would be 360 square feet (**Exhibit 2, Sheet 5**); therefore, this criterion is met.

- vii. Covered moorage shall have open sides.

Staff Analysis: The proposed covered moorage would have open sides; therefore, this criterion is met.

- viii. Prohibited in semi-private recreational tracts and noncommercial recreational areas.

Staff Analysis: The proposed covered moorage is located on single-family residential lots; therefore, this criterion is met.

- ix. Translucent coverings are required.

Staff Analysis: The proposed covered moorage would be translucent; therefore, this criterion is 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 affidavit prior to **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.

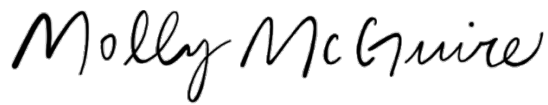
10. The applicant shall inform the Mercer Island Maintenance Department at (206) 275-7608 of the anticipated start date of in-water work prior to commencement of construction.
11. Piles, floats or other structures in direct contact with water shall not be treated or coated with toxic substances harmful 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.

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 SHL23-049, 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 11th day of December, 2023



Molly McGuire
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



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 <i>(required)</i>	ADDRESS <i>(required)</i>	CELL/OFFICE <i>(required)</i> E-MAIL <i>(required)</i>
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.

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	

PROJECT INFORMATION

APPLICANT:
JO LYNN ALLEN (TRUSTEE)

DRAWINGS BY:
ECCO DESIGN INC.
7413 GREENWOOD AVE N
SEATTLE, WA 98103
206-706-3937

SITE ADDRESS:
6435 77TH AVE SE
MERCER ISLAND, WA 98040

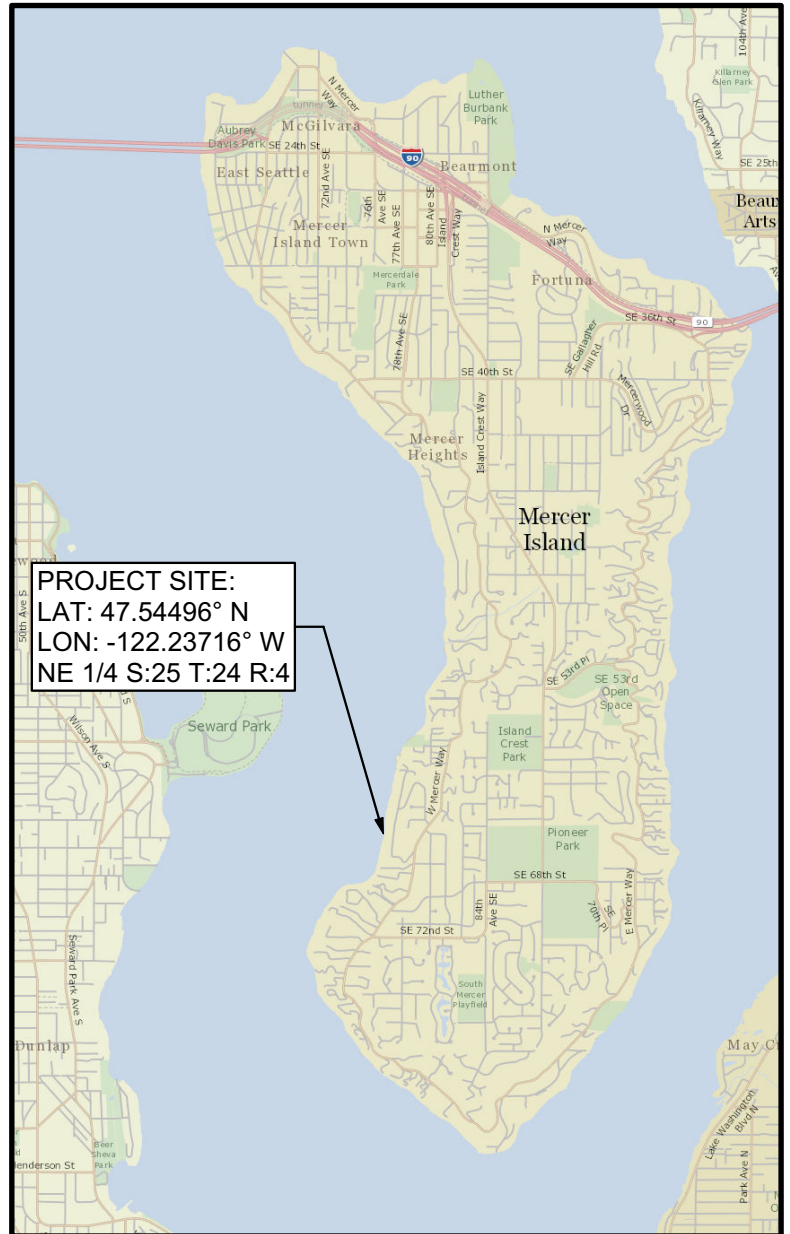
PARCEL NUMBER:
252404-9160

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
PCL A MI LLR #MI 99-0018 REC #19990810900014
SD LLR BEING POR GL 1 STR 25-24-4

PROJECT DESCRIPTION:
INSTALL A TRANSLUCENT BOAT CANOPY (360
SQUARE FEET) ON AN EXISTING BOAT LIFT.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. Jo Lynn Allen (Trustee)
2. MIE Holdings LLC

APPLICANT: Jo Lynn Allen (Trustee)

LOCATION: 6435 77th Ave SE
Mercer Island, WA 98040

LAT/LONG: 47.54496°/-122.23716°

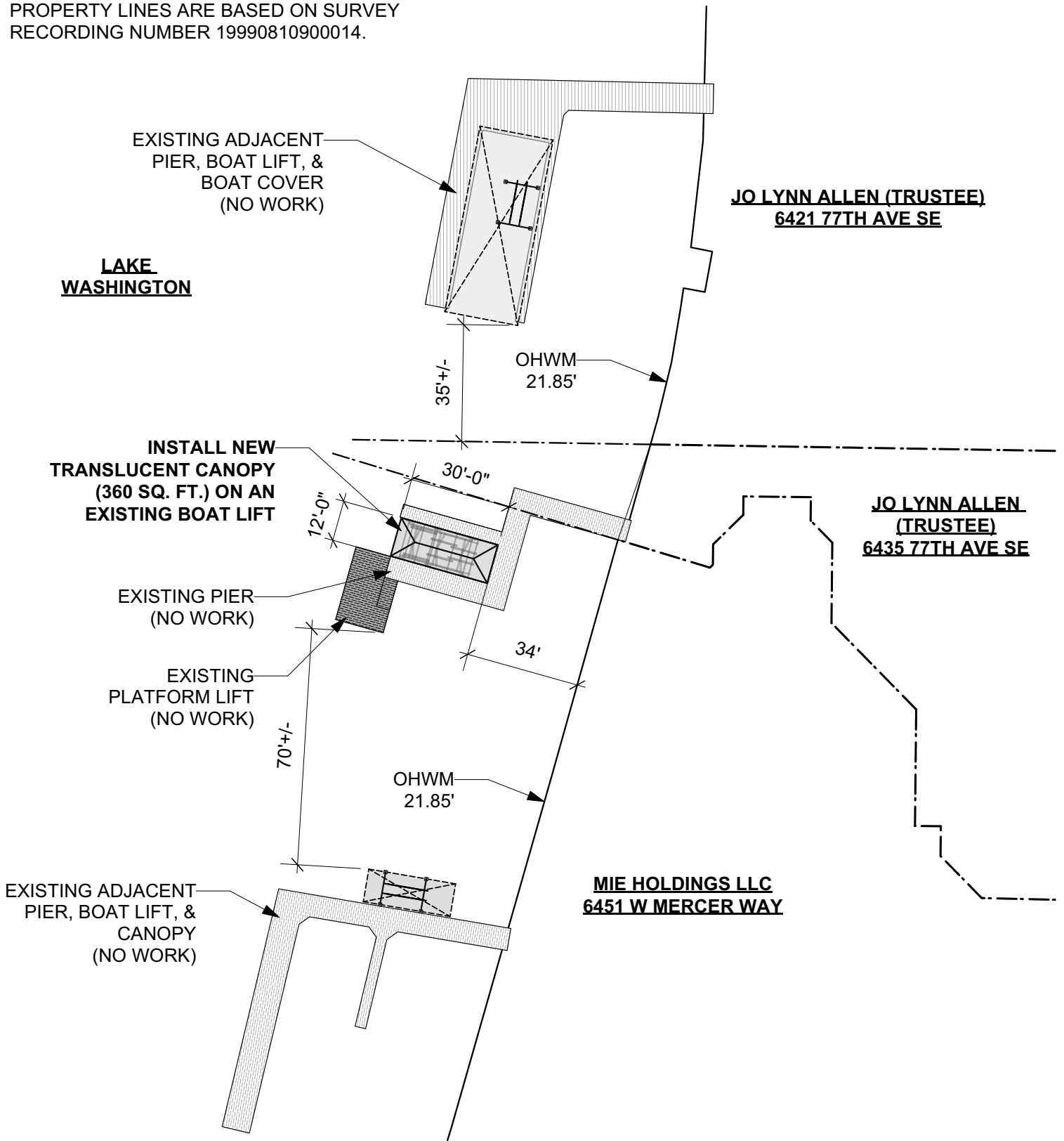
PROPOSED PROJECT:

Boat Canopy
IN: Lake Washington
NEAR/AT: Mercer Island
COUNTY: King **STATE:** WA

SHEET 1 of 5

DATE: October 16, 2023

PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. PROPERTY LINES ARE BASED ON SURVEY RECORDING NUMBER 19990810900014.



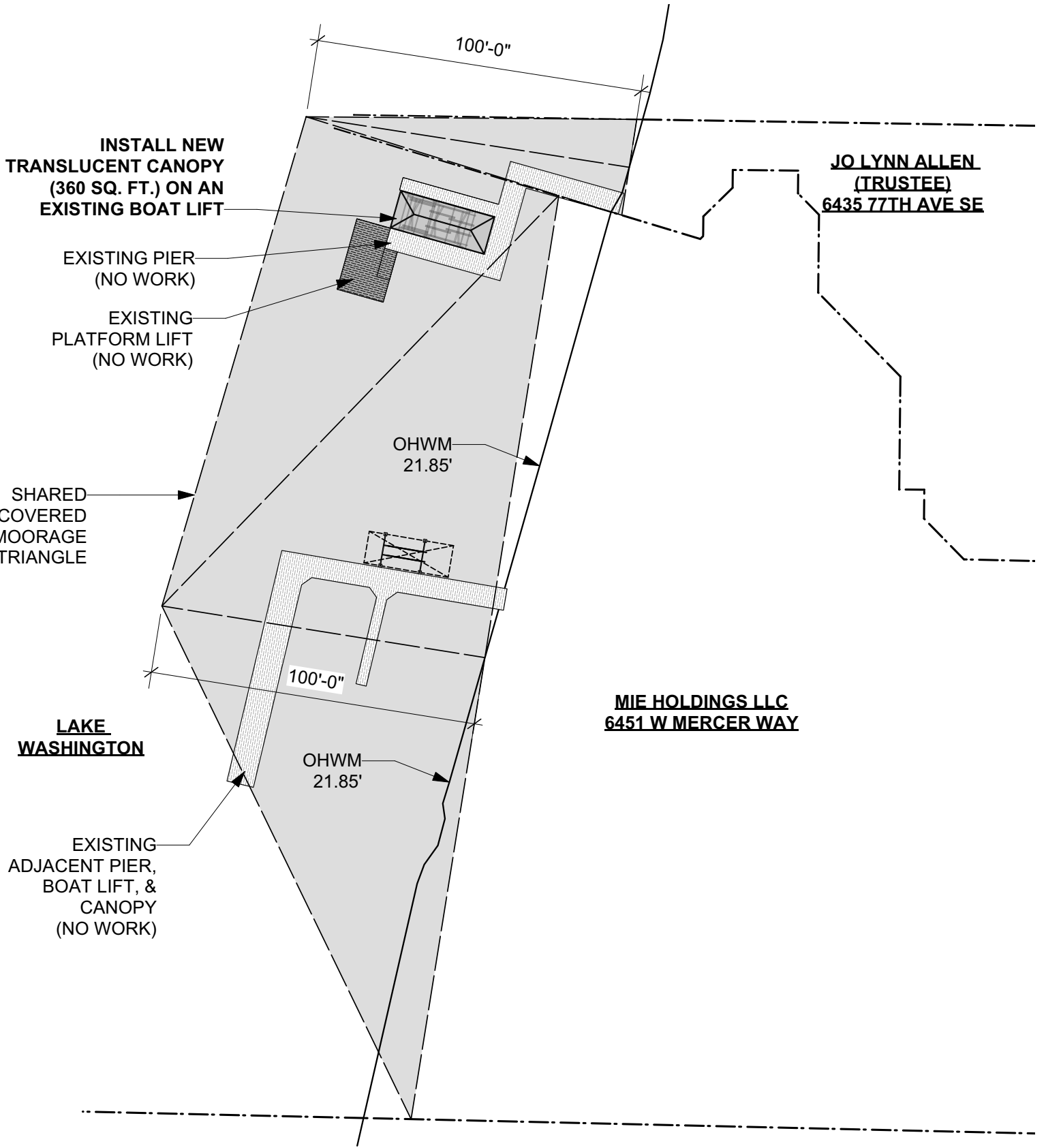
SITE PLAN

SCALE 1" = 40'-0"



Reference:
Applicant: Jo Lynn Allen (Trustee)
Proposed: Boat Canopy

Location: Mercer Island, WA



MOORAGE TRIANGLE PLAN

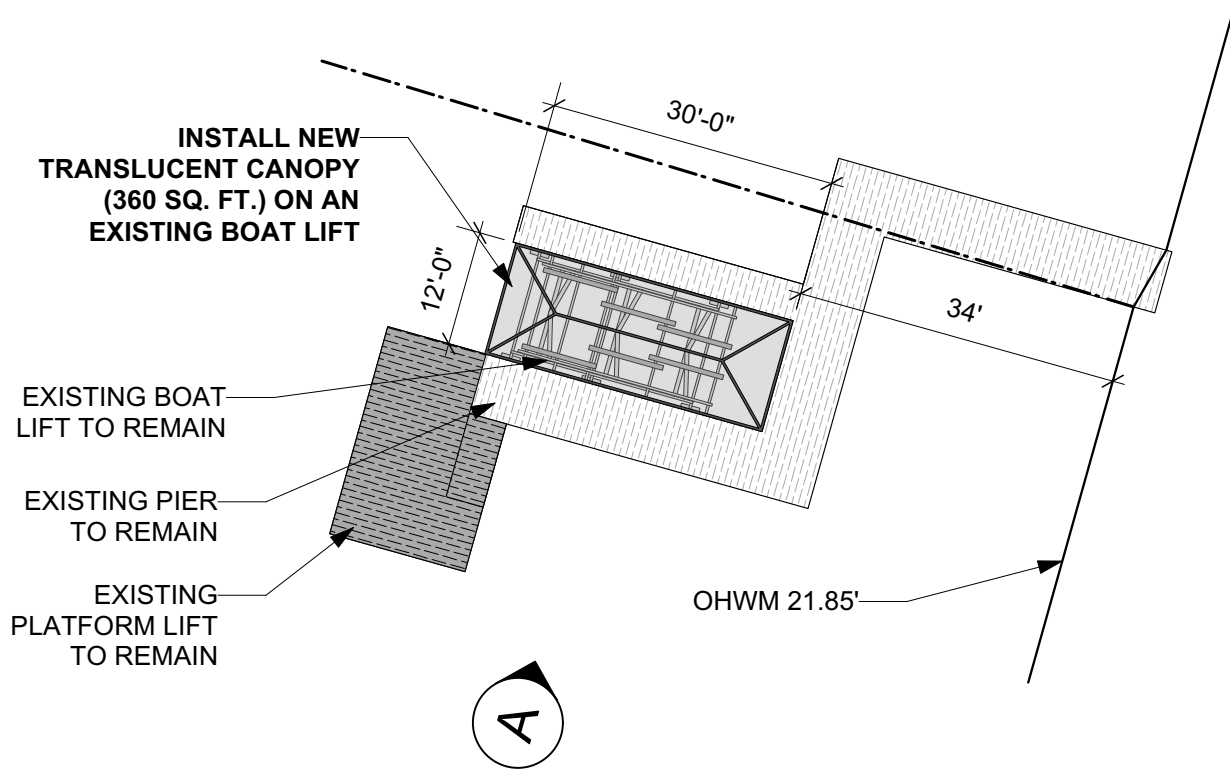
SCALE 1" = 40'-0"



Reference:
 Applicant: Jo Lynn Allen (Trustee)
 Proposed: Boat Canopy

Location: Mercer Island, WA

Sheet 3 of 5 Date: 10/16/2023



ENLARGED PLAN

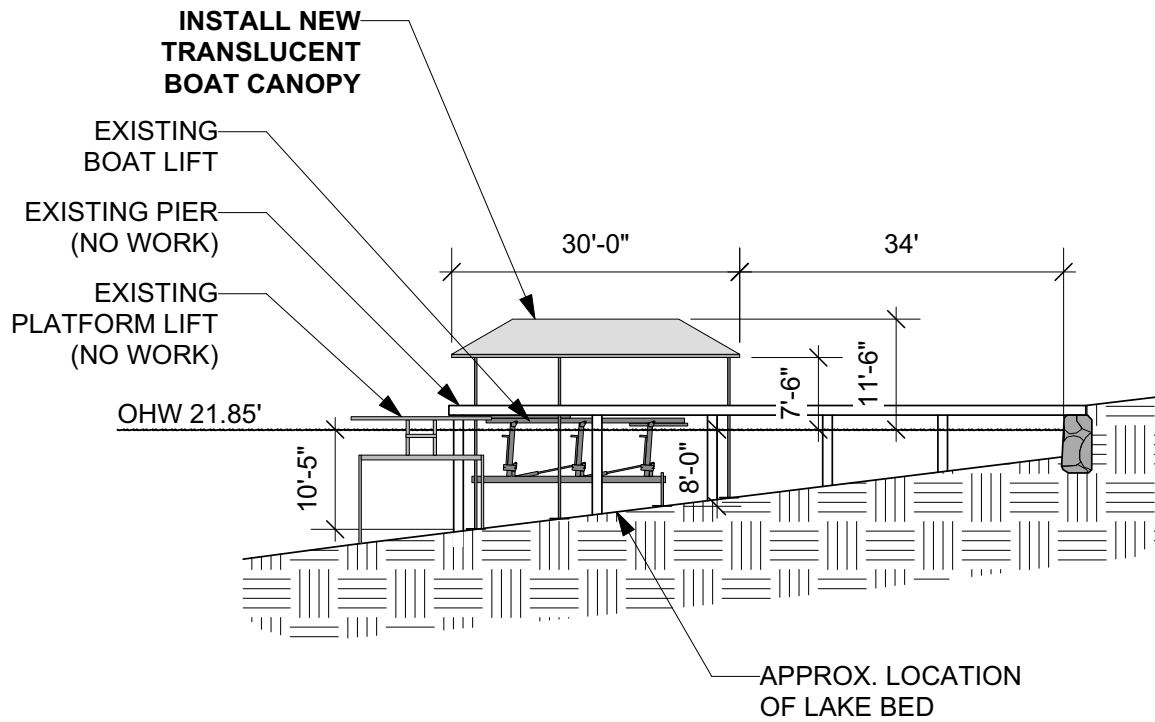
SCALE 1" = 20'-0"



Reference:
Applicant: Jo Lynn Allen (Trustee)
Proposed: Boat Canopy

Location: Mercer Island, WA

Sheet 4 of 5 Date: 10/16/2023



ELEVATION - A

SCALE 1" = 20'-0"



Reference:
Applicant: Jo Lynn Allen (Trustee)
Proposed: Boat Canopy

Location: Mercer Island, WA

Sheet 5 of 5 Date: 10/16/2023

Allen Boat Canopy

Project Narrative

Install a new translucent boat canopy on an existing boat lift. The proposed canopy will be 360 square feet. The canopy framing will be brought to the site by way of the uplands and installed by hand.

Both existing piers at the site are legally non-conforming. The existing pier at 6435 77th Ave SE was permitted in 1988 under permit number MI-770. The existing pier at 6451 W Mercer Way is present on the 1963 aerial photo on Mercer Island GIS and is therefore grandfathered as it was built before the shoreline management act of 1970.

SEPA review will be required for the project.

RECORDED AT THE REQUEST OF:
AND AFTER RECORDING RETURN TO:

Beth A. Clark
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101



20130620000772

WASH LEGAL MES AG-RER 78.00
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KING COUNTY, WA

SECOND AMENDMENT TO JOINT USE AND MAINTENANCE AGREEMENT
FOR COMMON DOCK AND GRANT OF EASEMENT

Grantor: Paul G. Allen, a single man

Grantee: Paul G. Allen, a single man

Grantor Property
Abbreviated Legal: Parcel A, BLR MI-87-11-17 (H-13),
City of Mercer Island, WA
Complete legal attached hereto as Exhibit A

Grantee Property
Abbreviated Legal: Parcel B, BLR MI-87-11-17 (H-3)
City of Mercer Island, WA
Complete legal attached hereto as Exhibit B

Assessor's Tax Parcel Nos.: 2524049160 and 2524049314

Reference No. King County Rec. No. 8903300487; 20120607001596

SECOND AMENDMENT TO JOINT USE AND MAINTENANCE AGREEMENT
FOR COMMON DOCK AND GRANT OF EASEMENT

This Second Amendment to Joint Use and Maintenance Agreement for Common Dock and Grant of Easement is made and entered into as of the 4 day of April, 2013 by and between Paul G. Allen, a single man ("Grantor"), owner of certain real property located at 6451 W. Mercer Way, Mercer Island, Washington, and legally described herein as the Grantor Property, and Paul G. Allen, a single man ("Grantee"), as owner and successor in interest to E.S.C. Ford, as trustee, for E.S.C. Ford and Amelia A. Ford Trust ("Ford"), in and to certain real property located at 6435 – 77th Avenue S.E., Mercer Island, Washington, and legally described herein as the Grantee Property.

RECITALS

A. Grantor and Ford executed that certain Joint Use and Maintenance Agreement for Common Dock and Grant of Easement recorded March 30, 1989, under King County Recording No. 8903300487 (the "Joint Use Dock Agreement").

B. The Joint Use Dock Agreement was amended pursuant to that certain Amendment to Joint Use Dock Agreement dated June 5, 2012 and recorded under King County Recording No. 20120607001596 (the "First Amendment"). The Joint Use Dock Agreement and the First Amendment are hereinafter collectively referred to as the "Joint Use Dock Agreement".

C. Grantor and Grantee now wish to amend the Joint Use Dock Agreement to express their mutual agreement to certain modifications to the Common Dock which is the subject of the Joint Use Dock Agreement.

NOW, THEREFORE , Grantor and Grantee agree as follows:

1. Common Dock Modifications. Grantor and Grantee hereby agree that the Common Dock shall be improved with two (2) jet ski lifts in the location and configuration as depicted in the detail plan attached hereto as Exhibit C.

2. Joint Use and Maintenance. Joint use, maintenance and repair of the jet ski lifts shall be in accordance with all terms and conditions of the Joint Use Dock Agreement.

3. Successors and Assigns. The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

4. Law. This agreement shall be governed by the laws of the state of Washington. In the event of any arbitration or litigation to enforce or interpret the rights and

obligations set forth herein, the prevailing party shall be entitled to an award of costs, expenses and attorneys' fees, at trial and on appeal.

5. No Merger. It is the intent of the parties hereto that the agreements expressed herein shall not extinguish or terminate solely by reason of the existing or future common ownership of the real property described herein as the Grantor Property and the Grantee Property.

6. Existing Terms/Capitalized Terms. All terms and conditions of the Joint Use Dock Agreement not otherwise modified herein shall remain in full force and effect. All terms capitalized herein and not otherwise defined shall have the meaning set forth in the Joint Use Dock Agreement.


DATED this 4th day of April, 2013.

Grantor:



Paul G. Allen, a single man

Grantee:



Paul G. Allen, a single man

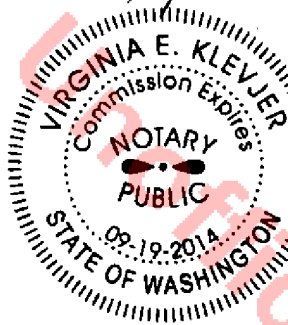
STATE OF WASHINGTON

ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that Paul G. Allen is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be said person's free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 4th day of April, 2013.



[Signature]
(Signature of Notary)
VIRGINIA E. KLEVJER
(Legibly Print or Stamp Name of Notary)
Notary public in and for the state of Washington,
residing at Renton
My appointment expires 9/19/2014

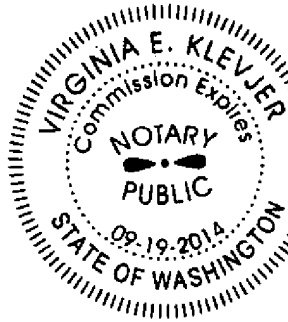
STATE OF WASHINGTON

ss.

COUNTY OF KING

I certify that I know or have satisfactory evidence that Paul G. Allen is the person who appeared before me, and said person acknowledged that said person signed this instrument and acknowledged it to be said person's free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 4th day of April, 2013.



[Signature]
(Signature of Notary)
VIRGINIA E. KLEVJER
(Legibly Print or Stamp Name of Notary)
Notary public in and for the state of Washington,
residing at Renton
My appointment expires 9/19/2014

EXHIBIT A
TO AMENDMENT TO JOINT USE AND MAINTENANCE AGREEMENT
FOR COMMON DOCK AND GRANT OF EASEMENT

Legal Description of Grantor Property

PARCEL A OF MERCER ISLAND BOUNDARY LINE REVISION NO. MI-87-11-17 (H-3), ACCORDING TO THE BOUNDARY LINE REVISION RECORDED UNDER RECORDING NO. 8802099005, BEING A REVISION OF MERCER ISLAND BOUNDARY LINE REVISION NO. MI-86-11-15 (H-3), RECORDED UNDER RECORDING NO. 8703189002, AND

BEING A PORTION OF LOTS A AND B OF MERCER ISLAND SHORT PLAT NO. MI-82-03-06 (FORD), RECORDED UNDER RECORDING NO. 8209169003; TOGETHER WITH LOT 2, PER DOCUMENT RECORDED UNDER RECORDING NO. 9005210718 TOGETHER WITH SECOND CLASS SHORELANDS ADJOINING; RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A;
THENCE S07°35'01"W, 31.00 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL A TO THE SOUTHEAST CORNER OF SAID PARCEL A;
THENCE N88°41'03"W, 125.18 FEET ALONG THE SOUTH BOUNDARY OF SAID PARCEL A;
THENCE N44°42'07"W, 17.46 FEET;
THENCE N00°35'53"E, 8.83 FEET;
THENCE N89°24'07"W, 7.67 FEET;
THENCE N00°35'53"E, 34.54 FEET;
THENCE N44°24'07"W, 35.92 FEET;
THENCE N00°35'53"E, 23.80 FEET;
THENCE N44°24'07"W, 9.19 FEET;
THENCE N00°35'53"E, 6.93 FEET;
THENCE N89°24'07"W, 20.00 FEET;
THENCE S00°35'53"W, 5.45 FEET;
THENCE S45°35'53"W, 12.52 FEET;
THENCE S00°35'53"W, 6.02 FEET;
THENCE S45°35'53"W, 1.25 FEET;
THENCE N73°08'39"W, 19.94 FEET TO A POINT ON A NORTH LINE OF SAID PARCEL A LYING S73°08'39"E, 7.00 FEET FROM THE MOST WESTERLY NORTHWEST CORNER OF SAID PARCEL A;
THENCE N73°08'39"W, 7.00 FEET TO THE TERMINUS OF THE LINE HEREIN DESCRIBED;

SITUATED IN THE CITY OF MERCER ISLAND, COUNTY OF KING, STATE OF WASHINGTON.

EXHIBIT A

EXHIBIT B
TO AMENDMENT TO JOINT USE AND MAINTENANCE AGREEMENT
FOR COMMON DOCK AND GRANT OF EASEMENT

Legal Description of Grantee Property

PARCEL B OF MERCER ISLAND BOUNDARY LINE REVISION NO. MI-87-11-17 (H-3), ACCORDING TO THE BOUNDARY LINE REVISION RECORDED UNDER RECORDING NO. 8802099005, BEING A REVISION OF MERCER ISLAND BOUNDARY LINE REVISION NO. MI-86-11-15 (H-3), RECORDED UNDER RECORDING NO. 8703189002; AND

BEING A PORTION OF LOTS A AND B OF MERCER ISLAND SHORT PLAT NO. MI-82-03-06 (FORD), RECORDED UNDER RECORDING NO. 8209169003;

TOGETHER WITH SECOND CLASS SHORELANDS ADJOINING;

TOGETHER WITH THAT PORTION OF PARCEL A; ABOVE DESCRIBED SUBDIVISION LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S07°35'01"W, 31.00 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL A TO THE SOUTHEAST CORNER OF SAID PARCEL A; THENCE N88°41'03"W, 125.16 FEET ALONG THE SOUTH BOUNDARY OF SAID PARCEL A; THENCE N44°42'07"W, 17.46 FEET; THENCE N00°35'53"E, 8.83 FEET;

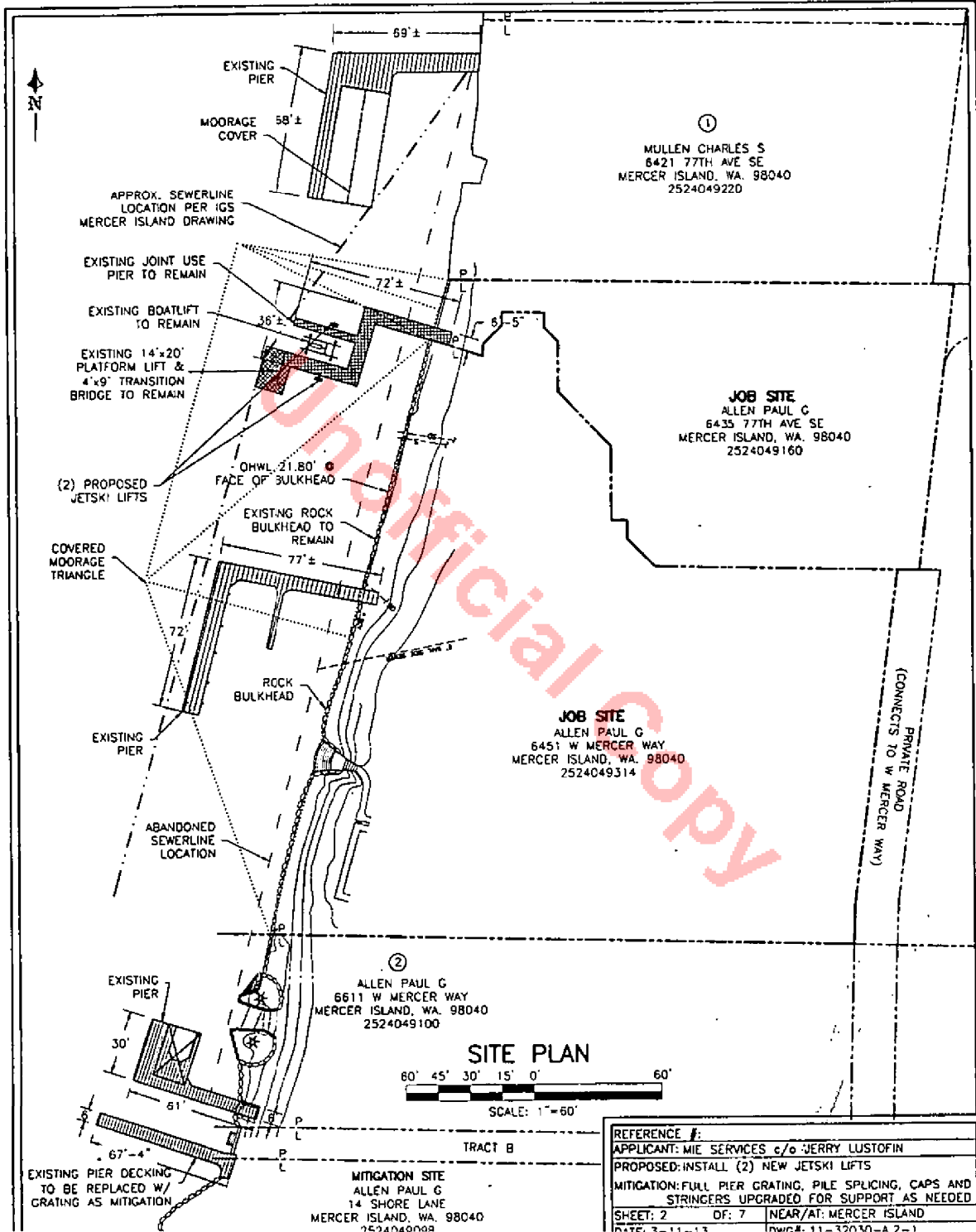
EXHIBIT B

EXHIBIT C

PROJECT DESIGNED BY:

Waterfront Construction Inc.

THIS DOCUMENT IS PROPRIETARY PROPERTY OF WATERFRONT CONSTRUCTION INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WATERFRONT CONSTRUCTION INC.



REFERENCE #:		
APPLICANT: MIE SERVICES c/o JERRY LUSTOFIN		
PROPOSED: INSTALL (2) NEW JETSKI LIFTS		
MITIGATION: FULL PIER GRATING, PILE SPLICING, CAPS AND STRINGERS UPGRADED FOR SUPPORT AS NEEDED		
SHEET: 2	OF: 7	NEAR/AT: MERCER ISLAND
DATE: 3-11-13		DWG#: 11-32010-A 2-1

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

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | 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:

Allen Boat Canopy

2. Name of applicant:

Jo Lynn Allen (Trustee)

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

PO Box 979 206-291-7170 7413 Greenwood Ave N 206-706-3937
Mercer Island, WA 98040 Seattle, WA 98103

4. Date checklist prepared:

10/16/2023

5. Agency requesting checklist:

City of Mercer Island

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

2024

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

No

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

None Known

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:

None Known

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

Shoreline Exemption, Building Permit, HPA from WDFW, and LOP from Army Corps.

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.)

Install a translucent canopy on an existing boat lift.

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.

6435 77th Ave SE

Section: NE 1/4 25

Mercer Island, WA 98040

Township: 24 N

Range: 4 E

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)?

Approximately 20%

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.

The lake bed is sand and gravel.

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

None known.

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.

N/A

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

No

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

No change.

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

None.

2. Air

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.

None.

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

No.

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

None

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.

Lake Washington

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.

Yes, the work will take place over and in Lake Washington.

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.

None

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

No

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

No

- 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.

No

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.

No

- 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.

None

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.

N/A

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

No.

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

None.

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?

None

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

None known.

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

None

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

None known.

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:

Bald eagle, blue heron, sockeye salmon, chinook salmon, coho salmon, and steelhead.

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

Bald eagle, blue heron, sockeye salmon, chinook salmon, coho salmon, and steelhead.

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

Yes, salmon migrate through Lake Washington.

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

None

e. List any invasive animal species known to be on or near the site.

None known.

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.

None

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

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:

None

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.

No

i. Describe any known or possible contamination at the site from present or past uses.

None known

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.

None known

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.

None known

iv. Describe special emergency services that might be required.

None

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

None

b. Noise

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

None

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.

There will be elevated levels of noise during installation and low levels of noise from use.

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

Work will only take place during the allowed construction hours.

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.

Single Family Residential

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?

No

c. Describe any structures on the site.

A single family house and a pier.

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

No

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

R - 15

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

R - 15

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

Urban Residential

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

Yes, Lake Washington

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

Not applicable

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

None

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

None

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

None

9. Housing

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

Not applicable

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

None

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

None

10. Aesthetics

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

Approximately 12' above ordinary high water

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

None

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

None

11. Light and glare

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

None

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

No

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

None

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

None

12. Recreation

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

Boating and fishing.

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

No

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

None

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.

No

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.

None known

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.

None

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.

None

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.

77th Ave SE

- 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?

Yes, approximately 1/4 of a mile.

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

No change

- 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).

No

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

No

- 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?

No Change

- 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.

No

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

None

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.

No

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

None

16. Utilities

a. Check utilities currently available at the site:

- | | | | |
|---|--|---|--|
| Electricity <input checked="" type="checkbox"/> | Natural Gas <input checked="" type="checkbox"/> | Water <input checked="" type="checkbox"/> | Refuse Service <input checked="" type="checkbox"/> |
| Telephone <input checked="" type="checkbox"/> | Sanitary sewer <input checked="" 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.

None

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: 

Date Submitted: 10/16/2023

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?

Proposed measures to avoid or reduce increases are:

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

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

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

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

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?

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

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?

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

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

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

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

[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.]



October 31, 2023

Ecco Design, Inc.
Attn: Evan Wehr
7413 Greenwood Ave N
Seattle, WA 98103
Via: Email

RE: **SHL23-049 & SEP23-016** Letter of Completeness; 6435 77th Ave SE, Mercer Island, WA 98040

The City of Mercer Island received the above referenced application for a Shoreline Substantial Development Permit with SEPA Review for the property located at 6435 77th Ave SE, Mercer Island, WA 98040 on October 17, 2023. The City has assigned file number SHL23-049 to the Shoreline Substantial Development Permit application and SEP23-016 to the SEPA Review Permit. Following review of the application, City staff has determined that the application is complete and has established a vesting date of October 31, 2023.

The application is scheduled for mailing and posting on November 6, 2023 as required by MICC 19.15.030.

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.

Sincerely,

Molly McGuire

Molly McGuire, Planner
City of Mercer Island Community Planning and Development
molly.mcguire@mercerisland.gov | (206) 275-7712

COMMUNITY PLANNING & DEVELOPMENT

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



DETERMINATION OF NON-SIGNIFICANCE (DNS)

Application Nos.: SEP23-016

Description of proposal: Review under the State Environmental Policy Act (SEPA) for the installation of a new translucent canopy cover over an existing boatlift.

Proponent: Evan Wehr (Ecco Design, Inc.) / Jo Lynn Allen

Location of proposal: 6435 77th Ave SE, Mercer Island, WA 98040

Lead agency: City of Mercer Island

Project Documents: <https://mieplan.mercergov.org/public/SHL23-049> & [SEP23-016/](https://mieplan.mercergov.org/public/SEP23-016/)

Possible critical area and shoreline impacts are addressed by Mercer Island City Code Chapter 19.07. In addition, the proposed dock must comply with the City's Shoreline Master Program (MICC 19.07.110). 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 checked="" 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 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 NA <u>at 5:00 pm.</u>

Responsible Official: Molly McGuire, Planner
molly.mcguire@mercerisland.gov | (206) 275-7712

Date: December 11, 2023 Signature: /s/ Molly McGuire, 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 th Street, Mercer Island, WA 98040 no later than 5pm on December 25, 2023 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"/>	<p>Any person aggrieved by the issuance of this decision may seek review from the Shorelines Hearings Board by filing a petition for review within twenty-one days from the date of filing of the decision as defined in RCW 90.58.140(6).</p> <p>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.</p> <p>More information on this process can be found on the Shoreline Hearing Board's website: http://www.eho.wa.gov/ or by calling (360) 664-9160.</p>
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