

Nicole Gaudette

From: Brian Thomas <brianth59@hotmail.com>
Sent: Wednesday, September 4, 2019 3:05 PM
To: Nicole Gaudette
Cc: Evan Maxim; Jessi Bon; Seth Davis; Gerry Kaelin; Tim Fitzgerald; Larry Gottlieb; Karen Beck; Arnie Eggebrecht; Dan Hanson
Subject: Comments of the East Mercer Highlands Homeowners Association - File No. 1905-178

Dear Ms. Gaudette,

As President of the East Mercer Highlands Homeowner's Association (EMHHA), I am submitting comments on the building permit application for a building permit (1905-178) at 4825 East Mercer Way in the subdivision known as East Mercer Highlands. As you know, homeowners in the East Mercer Highlands community have previously submitted comments on various issues concerning the Applicant's request for several variances to wetlands and waterway setbacks and the City's Critical Area Determination of the subject property (which review is still incomplete and open at this time). Those comments focused on potential impacts of the proposed home on the city's critical areas determination in or around the proposed development site, wetlands concerns, adverse effects on existing and excessive water flow from a recently constructed home above the community, potential harm and safety impacts to the "Exceptional Tree" located on the southeast corner of the property that has and continues to support the island's bald eagle population, several other large diameter trees, and various other concerns. My understanding is a number of community members intend to reiterate and supplement their previous comments concerning these issues, but now with respect to the proposed building permit application.

On behalf of EMHHA, I am submitting these comments to address potential impacts to the community road, safety, access, and traffic concerns we have with the proposed project. While we understand the inherent right of property owners to construct homes on their property in accordance with Mercer Island's Municipal Code, we believe the city has an important, even vital, role to ensure that any construction is performed in a manner that is least disruptive to the community. Accordingly, as part of the City's evaluation of the Applicant's building permit application, EMHHA strongly believes the City must consider and implement conditions on any potential permits that:

1. Protect community assets (such as a private road),
2. Requires the Applicant to engage in responsible coordination and cooperation with all homeowners and the community at large,
3. Ensures solicitation, contribution, and involvement in the community Road Maintenance Agreement (RMA),
4. Provides for reasonable and responsive construction logistics that do not impair traffic flow,
5. Protects the existing condition of the private roadway, and
6. Determine responsible (off roadway) location of construction vehicles, materials, and ancillary activities associated with the project.
7. Any interface with the private road should be professionally reviewed and approved by the RMA at the Applicants cost.

Although the Applicant has been working to develop the subject property for a considerable period of time, there has been no contact with EMHHA to address potential impacts to the community as a whole or to the road and RMA. During the formulation of the RMA, the then owner of 4825 East Mercer Way declined to join the

agreement. Accordingly, for more than 40 years the active homeowner's in the development have invested in and actively maintained the health of the roadway through annual dues and various other means. More recently (over the past five years) more than 95 percent of the roadway was repaired and repaved at considerable expense, funded in large part through a special assessment to all homeowners. The owner of the lot at 4825 East Mercer Way did not participate in the special assessment. All this activity has and continues to benefit the Applicant.

EMHHA believes the Applicant has a responsibility (and the City should require) to actively work with the association to address community safety, traffic, financial, and health of the roadway prior to the building permit's approval and commencement of any preliminary construction activities should the project be approved by the City. Such conditions should have enforcement provisions agreed to by the Applicant or his successor. It would be irresponsible for the City to simply apply Municipal Code to the construction permit application while leaving the community association to fend for itself in the face of significant and disruptive development.

Recent activity at the project is indicative of the problems that are likely to arise if the project moves forward. On more than one occasion, contractors for the Applicant engaged in certain testing, surveying, and evaluation of the site have completely blocked the road. Prior to or during the work, there has been absolutely no communication with the association or affected homeowners to resolve traffic issues. The roadway along the development site is particularly narrow (20-25') so any construction or utility vehicle parked on the roadway completely impedes traffic in both directions. When contacted by homeowners, the Applicant's contractor/worker feigns ignorance or dismisses any need to inform or coordinate their work with the community to productively resolve issues.

This concern is magnified by information one homeowner recently brought to EMHHA's attention. During a conversation between a resident of East Mercer Highlands and a City official, the official indicated the City had no role in working out issues between the homeowner/developer of 4825 East Mercer Way and that if the association or its members encountered issues during construction, such as a blocked roadway, damage, or other issues, the residents should contact the police department for resolution of any issues. Frankly, from our perspective, that is a complete abnegation of responsibility if the City really believes that approach is suitable for developments within existing neighborhoods, where roadways are narrow, and where no outreach or accommodation to the community has occurred while the Applicant moves forward on multiple paths with the proposed project.

As has previously been conveyed to the City, the site of the proposed project has a number of challenges associated with home construction; excessive water flowing into a wetlands area already saturated by other recent construction activity, potential impacts of increased water flow from the property into the roadway culvert near the northeast corner of the property, the increase in waterflow in the natural watercourse ways alongside the private road into the entire subdivision, health and safety effects on the Exceptional Tree, and road impacts. Our recent experience and the desire of the Applicant to move forward with the construction permitting process, is raising significant red flags in the community. Collectively, we strongly recommend the City take a more active role in conditioning any construction permits, if they are to be issued, on the seven items described above.

Thank you for considering EMHHA's comments. If you have any questions or would like to discuss this matter with me and the community please don't hesitate to contact me at your earliest convenience.

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