

TECHNICAL MEMORANDUM



Date: November 6, 2022
To: Brad Sturman, Sturman Architects
From: Ryan Kahlo, PWS
Project Name: Mercer Island Simpson
Project Number: 210734

Subject: Response to City Comments

This memorandum has been prepared in response to City of Mercer Island planning department comments regarding proposed reconstruction and expansion of a single-family residence located at 6454 E. Mercer Way in Mercer Island, Washington (parcel 3024059118). Comments were provided by Molly McGuire on the project plan sets on 8/2/2022.

Comment Summary

The following comments were provided by Molly McGuire on the project plan sets on 8/2/2022:

- Comment:

MICC does not have any provisions that allow wetland buffer to be converted to setback. If you are intending to take advantage of the buffer averaging provisions in MICC 19.07.190(C)(5), you will need to apply for a CAR2 permit instead, since buffer averaging is not included in a CAR1 permit. You will also need to demonstrate compliance with this section, such as the buffer not being reduced to less than 75% of the standard buffer. The Critical Area Report submitted must be revised to resolve the buffer conversion issue.

Response:

I discussed the conversion of buffer to setback with the City's on-call peer review consultant, Environmental Science Associates (ESA) (Matt Maynard, personal communication 10/28/2022). Mr. Maynard agreed that MICC 19.07.130(A)(2), which allows up to 200 square feet of residential expansion within a wetland buffer, is intended to apply to expansions in the setback that, by association, will convert buffer to setback. The interpretation is logical, since any allowed expansion within the buffer will inherently necessitate conversion of other portions of the buffer to building setback. Mr. Maynard indicated he would be preparing an addendum to his 10/25/2022 peer review

comments clarifying this interpretation. We refer to that addendum once it has been provided to the City.

The remainder of this comment is not applicable. The applicant is not proposing buffer averaging.

- Comment:

The existing single family residence is legally nonconforming. Additions to the residence are allowed as long as the footprint is not increased more than 200 sf. The upper floor addition is allowed as proposed under MICC 19.07.130(A)(2) Modifications, but this does not change the location of the wetland buffer or buffer setback.

Response:

The wetland buffer and setback are depicted correctly on the project plans. ESA's peer review letter notes that the 40-foot buffer is correct. Since the legally established residence is partially located within the 40-foot buffer, the associated existing 10-foot building setback is applied around the edge of the existing structure, which is shown on the project plans. The depiction of the buffer as shown on the project plans was confirmed as correct in my conversation with Matt Maynard (10/28/2022).

- Comment:

This should be 30'. The standard wetland buffer does not go around the house. Please revise the plans so that we can see the wetland buffer consistently at 30' & 40' from the edge of the wetland boundary.

Response:

The standard wetland buffer is 40 feet. See response above regarding depiction of the buffer and setback areas around the legally established structure within the 40-foot buffer. Buffer averaging is not proposed.

- Comment:

The standard wetland buffer does not go around the house. Please revise the plans so that we can see the wetland buffer consistently at 30' & 40' from the edge of the wetland boundary.

Response:

The correct standard wetland buffer is 40 and correctly depicted. See previous responses regarding this issue.