

**From:** [Molly McGuire](#)  
**To:** [Michele Lorilla](#)  
**Subject:** RE: 2207-019 Strand Permit  
**Date:** Thursday, November 17, 2022 9:53:00 AM

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Hi Michele,

Quite a few of the neighbors are concerned about the rockery. Per the conversations below, go ahead and have them do mitigation of the rockery.

Thanks!

[Molly McGuire](#)

Planner

City of Mercer Island - Community Planning & Development

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**From:** Michele Lorilla <michele.lorilla@mercergov.org>  
**Sent:** Thursday, November 17, 2022 5:41 AM  
**To:** Molly McGuire <molly.mcguire@mercerisland.gov>  
**Subject:** FW: 2207-019 Strand Permit

Hi Molly,

Checking to see if there has been any resolution to this from the planning side.

I see from Trakit that my geotechnical review is now the only review left and it's considerably past its deadline.

Again, the question is regarding the existing rockery on the site and whether mitigation of a marginally stable rockery (as discussed by the project geotech in their report) needs to be addressed or is it "grandfathered" in. Please see Don Cole's October 25<sup>th</sup> email for detailed discussion of the issue to be resolved.

Thank you,

[Michele Lorilla, P.E.](#)

Geotechnical Peer Reviewer

City of Mercer Island – Community Planning & Development

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**From:** Michele Lorilla

**Sent:** Wednesday, November 9, 2022 11:05 AM

**To:** Ryan Harriman <[ryan.harriman@mercerisland.gov](mailto:ryan.harriman@mercerisland.gov)>; Don Cole <[don.cole@mercergov.org](mailto:don.cole@mercergov.org)>; Jeff Thomas <[jeff.thomas@mercerisland.gov](mailto:jeff.thomas@mercerisland.gov)>

**Cc:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>; Molly McGuire <[molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov)>

**Subject:** RE: 2207-019 Strand Permit

Hi Ryan,

Thank you for your input.

One clarification: the proposed house will likely not impact the existing rockery. It will not exert any new loading onto the rockery since all the foundations will be on the underlying competent soil—below the loose fill.

I think the issue is that the rockery is substandard to begin with and the geotechnical engineer has noted a marginal stability (no stability analyses were given, but rockeries are not used to retain a fill since they are not considered retaining walls). Also the fact that the fill is loose indicates no compaction during original placement of this fill—so this fill would be considered an uncontrolled or unengineered fill. Since this has been noted by their geotechnical engineer, it is my opinion that there has to be some mitigation.

I'll await your final determination.

[Michele Lorilla, P.E.](#)

Geotechnical Peer Reviewer

City of Mercer Island – Community Planning & Development

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**From:** Ryan Harriman <[ryan.harriman@mercerisland.gov](mailto:ryan.harriman@mercerisland.gov)>

**Sent:** Wednesday, November 9, 2022 10:50 AM

**To:** Michele Lorilla <[michele.lorilla@mercergov.org](mailto:michele.lorilla@mercergov.org)>; Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>; Jeff Thomas <[jeff.thomas@mercerisland.gov](mailto:jeff.thomas@mercerisland.gov)>

**Cc:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>; Molly McGuire <[molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov)>

**Subject:** RE: 2207-019 Strand Permit

Hi Michele,

This is becoming a popular project. I've reached out to the planner and will follow up once I hear back.

I agree with Don that MICC 19.07.160 applies, and yes this will be unpopular. However, if they are building a much larger residence on the subject property and the existing rockery wasn't evaluated to ensure it won't fail due to the improvements, we should probably have them do mitigation.

Thoughts?

Ryan Harriman, EMPA, AICP

Planning Manager

Community Planning & Development | City of Mercer Island

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**From:** Michele Lorilla <[michele.lorilla@mercergov.org](mailto:michele.lorilla@mercergov.org)>

**Sent:** Wednesday, November 9, 2022 7:40 AM

**To:** Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>; Ryan Harriman <[ryan.harriman@mercerisland.gov](mailto:ryan.harriman@mercerisland.gov)>; Jeff Thomas <[jeff.thomas@mercerisland.gov](mailto:jeff.thomas@mercerisland.gov)>

**Cc:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>

**Subject:** RE: 2207-019 Strand Permit

Good morning.

Checking to see if there is any resolution to the existing rockery question presented below.

Thanks,

Michele Lorilla, P.E.

Geotechnical Peer Reviewer

City of Mercer Island – Community Planning & Development

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**From:** Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>

**Sent:** Tuesday, October 25, 2022 2:29 PM

**To:** Ryan Harriman <[ryan.harriman@mercerisland.gov](mailto:ryan.harriman@mercerisland.gov)>; Jeff Thomas <[jeff.thomas@mercerisland.gov](mailto:jeff.thomas@mercerisland.gov)>

**Cc:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>; Michele Lorilla <[michele.lorilla@mercergov.org](mailto:michele.lorilla@mercergov.org)>

**Subject:** RE: 2207-019 Strand Permit

Good question Michele, as this is about the land use code (Title 19), I am forwarding to others with land use code authority for their interpretation.

Ryan or Jeff, please see Michele's question whether to include a comment requesting mitigation for an appropriate factor of safety (FOS) for an existing rockery located below a SF Demo/Rebuild project. If the Geotech report did not mention the FOS, then we would have assumed the existing rockery was acceptable. However, the Geotech report stated the existing rockery has a FOS that is less than standard for a new design and the scope of work does not propose any mitigation. However, the scope of work does not touch the rockery, so Michele's question is whether MICC 19.07.160 applies, which would trigger her comment to provide mitigation.

My initial thoughts based on code language are the following (but it's your call):

The Title 19 definition of "Development" appears to extend to the entire site, so believe the statements within MICC 19.07.160 would apply, and mitigation to the rockery should be addressed. This would be an unpopular interpretation because it is an existing rockery that is not touched, and the cost to repair the situation is very expensive. On the other hand, there are public comments from the downhill neighbors expressing concerns of this rockery failing.

Also, when considering that this is an existing rockery, as previously stated, our first assumption is that an existing rockery is likely constructed properly, considered "grandfathered", and no comment would be made. However, because the geo report information describes construction methods that would not have been legal at the time along with the marginal FOS, it may not be appropriate to consider the rockery to be legally grandfathered. Your choice, please feel free to contact me for questions.

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**From:** Michele Lorilla <[michele.lorilla@mercergov.org](mailto:michele.lorilla@mercergov.org)>

**Sent:** Tuesday, October 25, 2022 7:46 AM

**To:** Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>

**Cc:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>

**Subject:** FW: 2207-019 Strand Permit

Before including this comment on the design drawings, could you please verify that my interpretation of the code is correct?

Comment:

*The geotechnical engineering report indicates "...due to the loose nature of the upper fill soils behind the rockery, it would only be considered moderately stable, and likely has a current factor of safety of 1.0 or slightly higher with regards to slope stability."*

*Indicate how this hazard is being mitigated (MICC 19.07.160).*

Although the new site development is not "touching—altering" the existing rockeries (except for utilities that may be incorrectly located on the civil drawings) does this statement in the report identify a hazard that then has to be mitigated? FS of 1.0 is not the standard for long term stability—not to mention the use of rockery to retain a loose fill.

Thanks,

[Michele Lorilla, P.E.](#)

Geotechnical Peer Reviewer

City of Mercer Island – Community Planning & Development

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**From:** Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>

**Sent:** Friday, October 21, 2022 4:34 PM

**To:** Molly McGuire <[molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov)>

**Cc:** Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>; Michele Lorilla <[michele.lorilla@mercergov.org](mailto:michele.lorilla@mercergov.org)>

**Subject:** RE: 2207-019 Strand Permit

Thanks Molly,

I'm adding a review for Michele so I've copied her here as well.

[Gareth Reece](#)

Sr. Plans Examiner - Community Planning and Development

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**From:** Molly McGuire <[molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov)>

**Sent:** Friday, October 21, 2022 12:49 PM

**To:** Kevin Nguyen <[kevin.nguyen@mercerisland.gov](mailto:kevin.nguyen@mercerisland.gov)>; John Kenney <[John.Kenney@mercergov.org](mailto:John.Kenney@mercergov.org)>;

Gareth Reece <[gareth.reece@mercergov.org](mailto:gareth.reece@mercergov.org)>; Don Cole <[Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org)>

**Subject:** 2207-019 Strand Permit

Hello –

I just wanted to let you guys know that this permit received *a lot* of public comment from neighbors opposing the construction of this residence because of the steep slope. A few of them have hired lawyers.

You can read through the comments in the “parties of record” folder. The applicant is currently working on responses to them.

Thanks everyone!

[Molly McGuire](#)

Planner

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