

From: [Michele Lorilla](#)
To: [Molly McGuire](#); [Kevin Nguyen](#)
Subject: RE: 2207-019 Strand Lower Rockery
Date: Monday, June 26, 2023 7:23:52 AM

Thanks for the update.

It sounds like there is a potential that my approval will have to be revoked if the project as currently proposed will have to change.

I am going to add a note to that effect in trakit.

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

Geotechnical Peer Reviewer

City of Mercer Island – Community Planning & Development

www.mercerisland.gov

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From: Molly McGuire <molly.mcguire@mercerisland.gov>
Sent: Friday, June 23, 2023 2:53 PM
To: Kevin Nguyen <kevin.nguyen@mercerisland.gov>; Michele Lorilla <michele.lorilla@mercerisland.gov>
Subject: RE: 2207-019 Strand Lower Rockery

Hello,

Thanks for your input Michele and Kevin!

I am going to ask the applicant to provide information demonstrating that the rockeries are legally nonconforming. The burden is on the applicant to demonstrate this but if they cannot provide such evidence, it is likely that the lower rockery will need to be removed. If that is the case, I will make sure you are both added to subsequent reviews.

Michele – regarding your question about the grade conversation, the applicant has refused to provide existing grade determinations. I am requesting this information again, and we will wait for their response.

Have a great weekend!

[Molly McGuire](#)

Planner

City of Mercer Island – Community Planning & Development

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From: Kevin Nguyen <kevin.nguyen@mercerisland.gov>

Sent: Friday, June 23, 2023 9:50 AM

To: Michele Lorilla <michele.lorilla@mercergov.org>; Molly McGuire <molly.mcguire@mercerisland.gov>

Subject: RE: 2207-019 Strand Lower Rockery

Hi Michele and Molly,

From an engineering/ROW point of view, they have removed portions of the lower rockery within ROW necessary to perform the storm drainage connection and more to provide some clearance from the edge of the roadway – this is acceptable to me, and I have no further requirements.

I have similar thoughts and questions to Michele. Who will determine that the rockeries are illegally nonconforming? I agree that there would be substantial re-work if it is determined that the rockeries need to be removed.

Thanks,
Kevin

[Kevin Nguyen, PE](#)

Development Engineer

City of Mercer Island – Public Works

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Please note: City Hall is temporarily closed – most staff are working remotely.

From: Michele Lorilla <michele.lorilla@mercergov.org>

Sent: Friday, June 23, 2023 7:51 AM

To: Molly McGuire <molly.mcguire@mercerisland.gov>; Kevin Nguyen <kevin.nguyen@mercerisland.gov>

Subject: RE: 2207-019 Strand Lower Rockery

Good morning,

It would seem that the determination of whether the rockeries are illegal nonconforming is the main issue? Who makes that official determination? I also thought based on the meeting we had to discuss the west rockery stability, that the original grade issue would be resolved before their resubmittal. How did that get resolved, i.e., I didn't see any change in elevations in their design—or did I miss something—I look at finished floor elevations—not the top of the structure.

If the rockeries are illegal nonconforming and that means that they need to be removed, then that would change all the grading and I would request a review of that. That would also mean that whatever wall proposed would have to conform to the side and front yard retaining wall max heights—which may not work for the current grades? This would likely change a lot of things for this project.

From a geotechnical perspective, what is currently proposed is approved. What is allowed based on the code with respect to illegal nonconforming, etc.--- I won't be much help with.

Happy to discuss further if you think that would be helpful.

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

Geotechnical Peer Reviewer

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From: Molly McGuire <molly.mcguire@mercerisland.gov>

Sent: Thursday, June 22, 2023 1:54 PM

To: Michele Lorilla <michele.lorilla@mercergov.org>; Kevin Nguyen <kevin.nguyen@mercerisland.gov>

Subject: 2207-019 Strand Lower Rockery

Hi Michele and Kevin,

We received a comment from Dan Grove regarding the status of the lower rockery at this site (see attached). I see that both of you have approved your reviews for this permit, but wanted to bring this to your attention and get your thoughts because this permit is still getting a lot of attention from neighbors.

Kevin – I am looping you in on this because a portion of the lower rockery is in the ROW. I see that they are going to be removing the upper rockery and replacing with a wall, but they are planning to leave the lower rockery as is.

If Dan's timeline is correct, this would mean that the lower rockery is illegally nonconforming and per MICC 19.01.050(3) Structures, sites and uses that were not in conformance with all applicable

code provisions in effect at the time of their creation are illegal and shall be brought into compliance with all applicable provisions of this Code.

Thanks,

Molly McGuire

Planner

City of Mercer Island – Community Planning & Development

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