

August 14, 2023
Ms. Molly McGuire
Planner
Community Planning and Development City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Re: Existing Grade Response - Permit 2207-019, Strand Residence, 6950 SE Maker Street

Hello Ms. McGuire -

I am writing to you about the ongoing existing grade contestation by the owner's architect, project consultants, and attorney because I do not believe for one minute that they have substantiated to the City why the Terrane survey, revised 11/8/22, should be considered as *the best evidence for the original grade for the site*. Their conclusion is simply not true. And it cannot be substantiated because the truth is in the dirt as we now know - by this, I mean that the geotechnical data collected to date provides the ultimate information on the original condition of the site.

Recently submitted comments to the City (by Jeffrey Almeter, Terrane, Goldsmith, and Inslee Best) were illuminating - not because they disclosed any new information - but because none of them acknowledged the geotechnical engineer's honest narrative about the site and its revealing test log findings (See Geotech Consultants, Inc. report 3/21/22).

Geotech Consultants went to great lengths in that report to share observations about the site conditions and description of the extensive placement of *...loose fills over original ground surface during the original site development, which was confirmed by test borings conducted for our study...*(page 1, Engineering Study & Critical Area Study).

The report's test boring and test hole logs provide us irrefutable evidence of extensive man-placed loose fills over the original existing grade remnant topsoil. The logs themselves provide definitive spot elevations so that we can know the exact original existing grades. These logs validate the accuracy of the interpolated contours that Dan Grove and I provided in previous comments (See Dan Grove, "RE: Permit 2207-019 SUB3 / 6950 SE Maker Street", June 9, 2023) and give merit to each of the surveys we used in our research.

The addition of fill is an alteration of the original existing grade. Placement of fill material to facilitate development of a building site does not allow for the original existing grade to be reimagined to a higher elevation (as is the case in the letters presented by the owner) . If it were allowed, this would enable builders and developers to monkey with the GFA, building height limits, and the ABE requirements to their benefit and thereby weaken the MICC.

The City of Mercer Island is a long-time member of the MyBuildingPermit (MBP) regional collaboration program where it shares with other MBP cities, like Bellevue and Kirkland, best practices and alignment on building standards. I have seen in my experience working with MBP that because these cross communications have been in place for 25 years, there exists a reliable level of uniformity in administration of building processes, codes, and interpretations across city lines.

A case in point is the MICC definition of existing grade and alteration which clearly aligns with Bellevue and Kirkland standards and their interpretations for existing grade determination. Here are excerpts from their land use and zoning codes:

Bellevue - 20.50.018 Existing Grade. *The existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the Director be determined by a topographic survey or soil sampling.*

Kirkland - 5.10.297 Existing Grade. *The elevation of the topography, prior to any **land surface modification**, at each point on the subject property, or if specified, at the specified point or along a specified wall or facade of a structure or building. 5.10.455 Land Surface Modification. *The clearing or removal of shrubs, groundcover, and other vegetation, excluding trees, and all grading, excavation, and filling of materials.**

In closing, I encourage the City to continue to hold the owner and her architect accountable for meeting the existing grade requirements of the MICC and to refute the project consultant's claims that the Terrane survey stands as the best evidence for the original grade of the site.

The owner's own geotechnical consultant has proven otherwise by providing definitive data that tells us the elevations of the original existing grade of the native sloping site that was extensively altered with fill material. And these elevations validate the contour interpolations Dan Grove and I provided the City in previous comments.

The City's MBP collaboration with communities like Bellevue and Kirkland continues to play an important role in ensuring that there exists a reliable and unified approach to interpreting and applying codes. And as I've demonstrated, the MICC definition of existing grade and alteration is in alignment with these MBP partners. That alone should give the City confidence that it is not operating in error or in an unprecedented or contradictory manner as it seeks to uphold this provision of the MICC.

Sincere Regards,

Jim Mattison
7075 SE Maker Street