J. S. Jones and Associates, Inc.

June 6, 2018

Nicole Gaudette, Senior Planner
City of Mercer Island
Development Services Group – Building and Planning
9611 S.E. 36th St.
Mercer Island, WA 98040

RE: 4346 E. Mercer Way, Critical Area Determination (CAO17-003)

Dear Ms. Gaudette,

Please find attached the 2nd revised Critical Area Study and Watercourse and Wetland Buffer Reduction Report for CAO17-003 originally submitted on March 8, 2017 and revised on March 24, 2018. This updated report has addressed the recommendations by the City of Mercer Island's ESA Peer Review Memorandum dated May 15, 2018. In the previous response from June 20, 2017, the applicant addressed all of ESA's comments with the exception of the detail of the trail as outlined in item #10 in this response. This has now been corrected.

Please see below summary response to each Comment.

ESA/City of MI Comments	Response
1. The footprint of the proposed house extends to the edge of the reduced buffer. This does not allow adequate room for construction and maintenance of the proposed house without disturbing the buffer. Please add an adequate setback (not less than 5 feet in width) from the buffer for construction, and ongoing access and maintenance.	Per MICC 19.07.030.A.2 maintenance and repairs are allowed to critical areas and buffers. Construction is not an ongoing task. The critical area will be protected during construction. The buffer is not a critical area. The buffer will be planted post construction. Per meeting with City, the applicant has revised the plans to include a minimum 3 foot wide path around the entire perimeter of the residence that does not include any plantings that can be disturbed by maintenance. Maintenance is anticipated to occur approximately once every 10 years. Standard scaffolding is approximately 2 ft wide, this allows for an additional 1 ft buffer to the vegetation area, avoiding any impact whatsoever.
2. On the plans, the walkway from the elongated parking area leading to the proposed house is labeled as a trail. This area is a walkway, not a trail. Please relabel as walkway. Walkways are not allowed in buffers, so the walkway must be removed from the reduced buffer area.	The applicant has revised plans to remove the walkway from the reduced buffer area.

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3. To mitigate for reduced watercourse buffer widths, the project proposes to employ option (iii) under MICC 19.07.070(B)(2): removal of invasive species and ornamentals, replanting with native trees, shrubs, and herbaceous plants, and five-year monitoring. In addition, this mitigation type is proposed throughout Wetland A and most of the buffer areas. The enhancement activities are generally appropriate mitigation for the proposed reduced buffers. However, much of the Type 2 watercourse buffer is comprised of driveway pavement and parking area; a driveway crossing is allowable per MICC 19.07.030(A)(6); however, additional mitigation must be provided to offset the new intrusion of driveway in the buffer.	Per best available science and to avoid impact on the buffer, applicant has revised site plan and repositioned driveway almost entirely outside the reduced buffer area. The only remaining approximately 200 square feet of allowed buffer alteration is unavoidable in order to allow access to the property. Additional mitigation measures proposed: • The permanent coal-fired brick/stone/steel BBQ structure that is currently within the watercourse buffer will be removed. • The 200 square feet large brick patio that is currently on top of the piped watercourse will be removed and replaced with native vegetation. • The watercourse outlet at the bulkhead will be softened to remove blockage. Details are included in the revised report.
4. A portion of the proposed driveway including the parking area at the terminus of the driveway is parallel with the water course within the buffer and is located within the reduced watercourse buffer. While driveways are allowed in buffers pursuant to MICC 19.07.030(A)(9), the layout is not consistent with best available science and does not avoid impacts to the reduced watercourse buffer. Best available science allows driveways to be placed in buffers perpendicular to critical areas to pass through or cross over the critical area. Please realign the driveway to be perpendicular to the watercourse to ensure no net loss of watercourse and buffer functions; a revised site design is appropriate.	Per best available science and to avoid impact to the reduced buffer, applicant has revised the site design and repositioned driveway almost entirely outside the reduced buffer area and perpendicular to the piped watercourse.
5. The Critical Areas Study proposes mitigation via habitat enhancement within the watercourse with log placement. The stream is too narrow to benefit from log placement. Rather than log placement, please remove or soften the existing rock bulkhead adjacent to the watercourse outlet to the lake. As part of this work, remove all blockages between the lake and the outlet.	Applicant propose to lower the outlet of the watercourse to have a more soft and gradual fall versus the steep drop that exists today. As part of this work we propose to remove all blockages between the lake and the outlet. See details in the revised report.
6. Pursuant to MICC 19.07.110(E)(9)(d)(i), native vegetation should be planted to meet or exceed 75 percent cover in the area within 20 feet of the Lake Washington OHWM. However, a sandy cove existis within this 20-foot area. To meet the intent of the code, please enhance the proposed plantings adjacent to the cove by adding native	Per request, applicant has enhanced the proposed plantings adjacent to the cove by adding native shrubs that will provide habitat value.

shrubs that will provide habitat value not provided by the proposed groundcover plantings in this area.	
7. The plantings required by MICC 19.07.110(E)(9)(d)(i) shown on the revised plan set appear to be counted in the total buffer mitigation area. Please account for these plantings separately from mitigation plantings.	Applicant has accounted for these plantings separately from mitigation plantings. See detailed report.
8. The "buffer enhancement and mitigation" area shown on the Impacts and Buffer Mitigation sheet includes non-buffer area (southwest corner of parcel). There are no issues with enhancing this area; however, it should not be included in the total buffer enhancement area calculation.	Applicant has removed this area to not be counted in the total buffer enhancement area calculation.
9. The three-foot proposed reduced buffer from the piped watercourses does not allow for future daylighting of the stream and therefore results in net loss of watercourse and buffer functions. Please proposed a larger buffer that will result in no net loss; please increase the buffer width and provide documentation indicating that the revised width will allow for future daylighting of the watercourse.	Per meeting with the City, applicant has revised plans and reduced the size of the residence to create a 5 foot setback from the piped watercourse to allow for future daylighting.
10. Below is from the original review and has not been addressed in the revised report: (Previous Review Comment) Detailed plans should be provided for the proposed trail and bridge to document materials, construction methods, and mitigation to ensure consistency with MICC Chapter 19.07 allowances, and to adequately compensate for wetland, stream, and buffer impacts. The updated Critical Areas Study and Mitigation Plan sheets do not discuss the proposed trail and bridge that provide accees to the dock or detail the construction methods or proposed materials. Per MICC 19.07.030(A)(9), trails should be made of pervious materials, unless the code official determines impervious materials are necessary to ensure user safety. Please provide this information.	Applicant has updated report to include material, construction methods, and mitigation details of the proposed trail as an allowed alteration.

Sincerely,

Jeffery S. Jones, Professional Wetland Scientist