



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

December 14, 2018

Steven M. Long
Studio 19 Architects
207½ 1st Ave S #300
Seattle WA 98104
Via Email

RE: SEP18-021 – Request for Information 1

Dear Steven,

The City of Mercer Island Department of Community Planning and Development (CPD) has completed review of the additional information submitted for this application for compliance with Title 19 of the Mercer Island City Code (MICC). The following issues need to be addressed for processing of the application to continue:

1. Please provide a memo from the project civil engineer addressing the potential impacts, including but not limited to flooding and erosion, to the neighboring properties due to the proposed drainage outfall being terminated 10' upstream of the existing bulkhead within the existing drainage easement located on the property at 4640 E Mercer Way. The memo must address this issue in detail, not a general note. If there are impacts, please address how the impacts will be mitigated. Include the capacity calculation from the downstream drainage pipe with the memo.

Please provide a response to above request by February 14, 2019. If neither a response has been received, nor a request to extend this deadline has been approved pursuant to MICC 19.15.110(C) by that date, this application may be cancelled for inactivity.

CPD's review of this project is on hold until these issues are resolved. Please feel free to contact me if you have any questions.

Sincerely,

Robin Proebsting, Senior Planner
City of Mercer Island Community Planning and Development
robin.proebsting@mercergov.org
(206) 275-7717

Attachments:

1. Davidson comment, dated December 3, 2018
2. Davis comment, dated November 19, 2018
3. Edwards comment, dated December 13, 2018

4. Latsinova comment, dated December 12, 2018
5. Latsinova comment, dated December 13, 2018
6. Leibsohn comment, dated December 13, 2018
7. Petrie comment, dated November 27, 2018
8. Shrikhande comment, dated November 29, 2018
9. Trumble comment, dated November 18, 2018
10. Yuen comment, dated December 13, 2018

Reference file No: SEP18-021

I am the resident and owner of 4632 East Mercer Way since 2010. For the previous 34 years, I was the owner and resident of 4640 East Mercer Way. As such, I have a long history with both properties that are either adjacent and/or downhill from the proposed project at 4634 East Mercer Way, and share a common access driveway along with a number of other residences.

I am concerned primarily with the handling of the water runoff from the proposed project. First, failure to divert runoff from the common driveway will result in overtaxing a storm drain that protects our residence from flooding in a heavy downpour. I have alerted the city of this threat in the past, and my concerns should be a matter of record. I understand that all water is to be diverted to the natural culvert along the S side of the property, and thus captured sent to the lake along the easement on the S property line of 4640 East Mercer Way.

As it now exists, this watercourse is overtaxed at certain times when flash flooding causes the release of large quantities of water from upland. The resulting flow can be and is destructive as it moves toward the lake. This is without the proposed impact of the new residence, with its tree removal and creation of new impervious area.

This problem must be addressed in its entirety. Any runoff will be in addition to an already unsatisfactory condition. It must all be captured and contained to allow swift release into the lake, and must be done so with sensitivity to the esthetics of the properties. It must be of adequate size to handle all of the runoff, not just the amount generated by the new construction.

The impact of this proposal is of great concern to us all, particularly those of us with exposure to the damage of an ill-planned and inadequate solution.

Sincerely
Tom Davidson
206 232-6813



RECEIVED

DEC 03 2018

CITY OF MERCER ISLAND
DEVELOPMENT SERVICE GROUP

File No: SEP-021

T G Davidson
4632 E Marcor Way

From: Jeff Davis
To: [Robin Proebsting](#)
Cc: [Sara Jensen Trumble](#); [Thomas Trumble](#); [Bruce Edwards \(flysafe72@gmail.com\)](#)
Subject: RE: File # SEP18-21
Date: Monday, November 19, 2018 2:46:07 PM

Robin,

We are one of the property owners at the bottom of the steep driveway, 4568 East Mercer Way that will be affected by this project. Having owned our home for 30 years we have experienced major flooding, several times, including when the road/driveway collapsed and washed out due to heavy rains from a water course up the hill that last year also had serious issues, including a slide/failure. This project in permitting has major issues and the community that you serve have expressed our concerns relating to the massive excavation, excess loads and potential damage or failure of our road to remove the extracted soil. We are opposed to this permit as planned and we would like to be included in any further meetings or discussions regarding this issue.

Thank you,

Jeff and Nancy Davis

p. 206-324-9101
c. 206-510-4535
f. 206-324-9104
e. jeffd@davisdoor.com

LAW OFFICES OF
SORENSEN & EDWARDS, P.S.

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Michael R. Sorensen
Member, Washington Bar
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Bruce N. Edwards
Member, Washington & Alaska Bars
DIRECT LINE (206)-224-8225

December 13, 2018

VIA ELECTRONIC MAIL

Robin Proebsting, Senior Planner
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Re: Comments Upon Request for a SEPA Threshold Determination relative to construction of a new single family residence on a vacant lot including a stormwater conveyance crossing a Type 3 watercourse

DSG File #: SEP18-021
Applicant/Owner: Paul Maksimchuk/Four Seasons Homes LLC
Location of Property: 4634 E. Mercer Way, Mercer Island, WA 98040
King County Tax Parcel: 755870-0008
Other Associated Permits: CAO17-007 and 1507-166REV

Dear Senior Planner Proebsting:

I am writing you to provide my comments relative to the above request for a SEPA Threshold Determination.

I understand that certain of my neighbors have made their own comments requesting that the City require the Applicant submit (i) a full Environmental Impact Statement based on a likelihood of significant adverse impacts, and (ii) a new transparent SEPA checklist that is accurate and truthful and provides the City and the public with the critical information they require to fully evaluate and comment on the proposed development. I fully join in and endorse those comments of my neighbors, particularly the excellent submissions of Rita Latsinova, Esq., on behalf of Mark Petrie. Given that the Mark (and his family) own and occupy the property immediately adjacent to the proposed development site at 4634 E. Mercer Way, the comments of Ms. Latsinova on behalf of Mark Petrie should be given very considerable weight.

Although I join in those comments of my neighbors, and similarly ask that the City take the actions described in the preceding paragraph, the views in my letter of today are solely my own and do not state the views or legal position of anyone else. Further, although I am a practicing attorney duly licensed in the State of Washington, I am not providing legal representation to anyone else in this matter.

Robin Proebsting, Senior Planner
Development Services Group
City of Mercer Island
December 13, 2018
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Also, as you may remember, I submitted two comment letters last year concerning a request by the Applicant for a favorable Critical Area Determination to permit the modification of a steep slope. I hereby incorporate all my comments in those letters (including accompanying attachments) dated October 10, 2017 and December 14, 2017.

My family and I reside at 4560 East Mercer Way; I have owned this single-family home since 1990. For reference purposes, my property lies approximately 600 feet or so as the crow flies north of 4634 East Mercer Way (the primary property subject to the Critical Area Determination). I make all the statements in my letter of today based upon my personal knowledge, except where I indicate otherwise (such as where I cite certain expert reports that are an attachment to this letter).

Access to my home and that of my neighbors is provided by a narrow community access road that begins at East Mercer Way in the 4600 block and then generally proceeds eastward some 300 feet or so to a T intersection. In so doing, the community access road traverses a steep hillside that the City has designated as a “critical area” within the meaning of MICC 19.16.010 due to its location within erosion and landslide hazard areas. There is no other way to access either my home or the proposed construction site at 4634 East Mercer Way, and therefore, the proposed construction at 4634 East Mercer cannot be allowed to adversely impact either the community access roadway or the construction site itself.

As documented by my October 10, 2017 and December 14, 2017 filings and those of my neighbors, the community access roadway is presently in very poor shape, with wide and long surface cracks and obvious signs of impending failure such as the subsidence of certain roadway areas, sloping down the hillside. This hillside upon which the community access roadway sits is itself steep and unstable and is showing signs of movement such as angled trees and an angled fire hydrant. There is a waterline of unknown depth that lies within the roadway that provides water service to the fire hydrant. Should the roadway fail, it is reasonable to anticipate that the waterline will fail in turn and likely cause damage to the critical area that the roadway traverses similar to that which resulted from the nearby waterline break in December, 2017. I submitted information on this December 2017 waterline break in my December 14, 2017 letter.

These issues were discussed and documented last year by my submissions and those of my neighbors relative to the Applicant’s request for a favorable Critical Area Determination (file #1507-166REV). Copies of those submissions were provided to Applicant, and Applicant’s comments thereon were requested. It is therefore particularly troublesome that the SEPA Checklist that Applicant submitted relative to the pending SEPA determination completely ignores the potential issues with the community access road. In so doing, the SEPA checklist is at best incomplete and at worst, highly misleading.

Question 14e requires the applicant to “[d]escribe the existing condition of the proposed access road, including width of easement, width of pavement or roadway, curbs gutters and/or

Robin Proebsting, Senior Planner
Development Services Group
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sidewalks.” Applicant’s entire response, notwithstanding all the commentary and filings of which Applicant was well aware (and which Applicant attempted to rebut in Applicant’s own prior filings), was as follows:

“The proposed access road is a private road with no curb, gutters, or sidewalks. The width of the easement is not known. Pavement width is approximately 13 feet.”

There is no mention of the access road’s location in a known “critical area” within the meaning of MICC 19.16.010 due to its location within erosion and landslide hazard areas. There is no mention of the actual **condition** of the access road, i.e., the patently obvious surface cracks and the subsidence of the roadway surface sloping down the hillside. There is no mention of the other obvious signs of impending failure such as the sloping of the trees and fire hydrant immediately adjacent to the roadway on its downhill side. Nor is there any mention of the presence of a high-volume waterline within the roadway, servicing the fire hydrant, that conceivably could be damaged by the proposed project. Likewise, there is not any mention of the depth of the access roadway surface (an inch or two in most places), its composition (asphalt), or the fact that chunks of the roadway on its edges can be observed to have broken away.

In addition, Applicant has previously indicated in its filings that Applicant would, to obtain a favorable determination from the City, “voluntarily” reduce the size of the trucks and other vehicles that would be used in the project. However, Applicant’s response to question 14i (proposed measures to reduce or control transportation impacts) was simply that no such measures were being proposed. This response is inconsistent (and misleading) as to whether or not Applicant will in fact use smaller trucks and vehicles.

For these reasons, the SEPA Checklist submitted by Applicant is inadequate and must be redone. Moreover, given the very considerable potential this proposed project presents to impact a critical area adversely, it is important the issues be thoroughly discussed in the form of an Environmental Impact Statement that addresses each of the areas required by SEPA in a thorough and professional manner rather than the terse and self-serving responses presented in the SEPA Checklist. Therefore, an Environmental Impact Statement should be required of Applicant.

In conclusion, I respectfully request that the City proceed as set forth above.

Sincerely,



Bruce N. Edwards



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December 13, 2018

BY EMAIL AND HAND DELIVERY

Robin Proebsting
Senior Planner, Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 998040-3732

Re: Supplemental Comments on SEPA Threshold Determination, SEP18-021

Dear Ms. Proebsting,

To supplement the comments on the SEPA threshold determination submitted on December 12, 2018, the proposed development (and the applicant's SEPA checklist) fail to address the significant upstream stormwater runoff that flows on the south side of the subject property and the Petries' property below it. The Petries have documented significant stormwater flows from the subject property onto and through their property, which the City and the applicant are aware of but chose to ignore. The proposed development is likely to increase the upstream stormwater flows and exacerbate drainage problems and cause flooding downstream.

In addition to requesting the drafting of a full Environmental Impact Statement based on a likelihood of significant adverse impacts identified in other comments and this letter, we request that the City require the applicant to complete a new, transparent SEPA checklist that provides the public and City with the critical information they require to fully evaluate and comment on the proposed development.

Very truly yours,

A handwritten signature in blue ink that reads "Rita Latsinova".

Rita V. Latsinova



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December 12, 2018

BY EMAIL AND HAND DELIVERY

Robin Proebsting
Senior Planner, Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 998040-3732

Re: Comments on SEPA Threshold Determination, SEP18-021

Dear Ms. Proebsting,

The following comments are provided on behalf of Mark Petrie, 4640 East Mercer Way, and supplement the hand-written comments submitted previously by Mr. Petrie, which are attached to this letter and incorporated by reference. Mr. Petrie's residence is located directly below the proposed development site.

The development site lies entirely within a Geological Hazard Area having both Potential Slide and Erosion Risk. Geologic hazard areas are susceptible to erosion, sliding, earthquake, or other geological events. They also serve as conduits for groundwater draining from hillsides. For these reasons, these areas pose a threat to health and safety when development is sited too closely. The proposed construction fails to comply with the protection of critical areas mandated by the Growth Management Act (GMA) and required by the Mercer Island City Code (MICC) Chapter 19.07 (environment) with respect to proposed construction in critical areas and geologic hazard areas.

MICC 19.07.060.D.1 provides that alterations of geologic hazard areas may occur only if such alterations:

- a) Will not adversely impact other critical areas;
- b) Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;
- c) Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and
- d) Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.

The shared community access roadway and the area surrounding the proposed Development are located within erosion and landslide hazard areas and are critical areas as defined by MICC 19.16.010. Therefore, proposed construction at 4634 East Mercer Way cannot be allowed to adversely impact them.

A geotechnical engineer, Ed Heavey, opined that the proposed development *will* likely adversely impact critical areas, the community access road and surrounding properties. The likely adverse impacts include, without limitation:

- At the top of one of the lower hairpin turn, the shared access road is constricted by a significant, large fir tree on one side and a rockery along the other side. The road width is only 14 ft at this location. It will be difficult for the large construction trucks (dump trucks, logging trucks, and cement trucks) required to build this development to make this turn along with concrete trucks and other large trucks. There is the potential for significant damage to the tree and/or rockery.
- Between East Mercer Way and the upper hairpin turn, the slope along the north side of shared access road descends steeply downward. Mr. Heavey observed and documented several indications of instability of the slope along this portion of the roadway. Several trees along the top of the roadway were observed to lean backwards, the fire hydrant is leaning outward, and two areas along the north edge of the shared access road have subsided and have several cracks parallel to the slope face. Slope instability is likely a result of creep of the surficial soil on the slope below the roadway. Soil creep generally occurs on slopes steeper than 50 percent and is defined as a slow, downslope movement of the surficial soil as a result of gravity. Observations made during a September 24, 2017 site visit indicated that the roadway has continued to subside in these two areas and the cracks have widened since his first visit in October 2015. Between the two hairpin turns, a steep slope supported by a series of landscape retaining walls is present along the eastern side of the shared access road. Several large cracks in the pavement that parallel the slope face were observed there, as well. The cracking is likely due to deflection of the landscape retaining walls and soil creep. The slopes supporting these portions of the shared access roadway are at risk of not being able to support the expected construction truck traffic. Mr. Heavy believes that the truck traffic will likely increase the potential of a slope failure involving the access roadway and represents a potential public safety hazard.
- Of particular concern is the waterline situated within the shared access roadway. If there is insufficient cover over the pipeline, heavy wheel loads from trucks and/or slope movement caused by heavy trucks using the shared access road could damage the pipe

resulting in leakage to potentially a complete failure of the pipe. A failure of the waterline within the shared access roadway will have similar consequences as the recent waterline failure near the intersection of 46th Street SE and Dawn Drive. If the waterline in the shared access roadway were to fail, the failure would result in significant impacts to the area, including flooding, property damage, and mud and debris flowing into Lake Washington.

- The proposed construction includes a temporary access road, which could adversely impact critical areas. The erosion control measures for the temporary access road are insufficient and jeopardize the down gradient property owners. Significant precipitation events can occur in the spring and summer months and uncontrolled runoff from temporary access road could adversely impact critical areas and adjacent properties down gradient from the subject property. Moreover, all runoff from the shared access road downslope of the lower hairpin turn is collected by a trench drain across the driveway to the residence located at 4632 East Mercer Island Way. The erosion control measures for the temporary access road are inadequate to protect Lake Washington from construction stormwater and sediment flows.
- The lower portion of the proposed driveway is sloped in excess of 20 percent, with a single catch basin at the base. During periods of intense precipitation, stormwater runoff from the driveway will likely overshoot the catch basin and flow down the shared access road. The proposed stormwater collection system impermissibly exposes geologic hazard areas to increased runoff.
- A wood wall up to about 4 ft in height is located about 15 to 20 ft east of the east property line. The wall supports a portion of the steep slope along the western edge of the paved parking area of the residence located at 4640 East Mercer Way. The soil is easily disturbed and prone to raveling and erosion. Raveling is generally defined as relatively rapid downslope movement of individual surface soil particles and/or shallow veneer surface soil layer and is similar to soil creep as both processes are chiefly driven by gravity and water. The slope rises about 13 ft vertical above the wall with an average slope of about 80 percent. The wall was observed to be in very poor condition. Given the fragility of the wall, there is a potential for construction related vibration to damage the wall resulting in impacts to the Petrie property.
- The proposed watercourse on the south side of the property will be directed into an outfall pipe. The outfall pipe has not been designed to mitigate impacts to the function of the critical areas.

CITY OF MERCER ISLAND

December 12, 2018

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- With the removal of many significant trees and the increase in impervious area, the proposed development will significantly change the site hydrology which will likely adversely impact the watercourse along the south side of the property.
- The Statement of Risk provided by the developer's geotechnical engineer lacks supporting documentation showing that the conditions in MICC 19.07.060.D.2 are met.

For these and other reasons discussed in Mr. Heavey's letters (attached hereto and incorporated by reference), the proposed development is likely to cause significant adverse impacts to the adjacent community access road and properties and so requires full environmental review in an Environmental Impact Statement. The City was informed of Mr. Heavey's analysis but stated, without authority, that the access road is not part of the project. The City's position is erroneous. Under the GMA, all critical areas must be designated and their functions and values protected using the best available scientific information, known as "BAS." The designation *and protection* of all critical areas, including those on private land, is mandatory. *See Critical Areas Handbook: A Handbook for Reviewing Critical Areas Regulation* (2018). The City is not free to review the proposed development in isolation from the surrounding designation of critical areas or to disregard the evidence of likely adverse impacts to the adjacent critical areas, including the common access road.

The developer's answers to SEPA Checklist regarding the impacts of the proposed construction on the adjacent critical areas are deficient and minimize without study probable significant, adverse environmental impacts. To illustrate, the developer inaccurately describes the site as "hilly" and evades the question "What is the steepest slope on the site?" by stating that "a small portion of the site exceeds 40 percent slope. *See* answer to section B(1). The answer given is both inaccurate and misleading. Slope is "[a] measurement of the incline of a lot or other piece of land calculated by subtracting the lowest elevation from the highest existing elevation, and dividing the resulting number by the shortest horizontal distance between these two points." MICC 19.16.010. Elevation across the site falls 53 feet from west to east, with the shortest measured distance of 145 ft, yielding a site slope of 36.6%, just 3.4% under 40% steep slope¹ designation. *Overall, approximately 60% of the site has slopes that exceed 40%.*

The answer to question 4 (Plants) is also deficient. The Site Description in the applicant's own previously submitted Arborist Report states, "The site is steeply sloped with native trees. The majority are Douglas fir and big leaf maples, some magnificent in stature." Stand density equates to over 65 Large (MICC 19.16.010) trees per acre. Of 32 existing trees on site, nine

¹ Steep Slope: Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run. MICC 19.16.010.

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meet the 36" diameter requirement for Landmark Tree designation (MICC 19.16.010). Well over half of existing trees (18) exceed two feet in diameter, all are native, and over 70% are in Good to Excellent condition. As a group, the property's trees undoubtedly qualify as a landmark grove. The developer's previously submitted Tree Plan provides that of 32 existing trees, two-thirds (21) are slated for removal, including fourteen (14) in Good or Excellent condition and six (6) that are of Landmark Tree stature. Two-thirds of existing trees over 36" diameter are slated for removal. The number and size of trees lost from the site will significantly reduce the contribution of trees to slope stability of the Geological Hazard Area. *See* Report of Eliza Davidson, attached hereto and incorporated by reference. Destruction of a landmark grove is itself a certain significant, adverse impact and no replanting of younger trees can mitigate for the full ecological value and function of this mature, intact grove. None of this information is included in the SEPA Comments and so the public has not been provided with the information necessary to adequately comment on the City's SEPA threshold determination.

The answer to question 5 (Animals) is also deficient and misleading. This site lies within 3/10 mile of Bald Eagle Nest #6 on Mercer Island and is well known to the neighbors as providing bald eagle lookout trees and other habitat. By failing to disclose this proximity, the public and City decision-makers lack sufficient knowledge to assess the potential for probable adverse impacts to species of concern.

The applicant's incomplete and misleading answers to the SEPA Checklist are insufficient to allow the City to conduct a meaningful SEPA review or the public to fully comment on the proposed development. In addition, the City's own erroneous refusal to consider the impact of the proposed development on the surrounding critical areas fails its duty to protect the critical areas, much less to do so based on the BAS. The project as proposed is likely to cause significant negative impacts on steep slope stability and hydrology, the health and safety of the subject and adjacent properties owners, and other environmental impacts described in the attached materials.

Accordingly, in addition to requesting the drafting of a full Environmental Impact Statement based on a likelihood of significant adverse impacts, we request that the City require the applicant to complete a new, transparent SEPA checklist that provides the public and City with the critical information they require to fully evaluate and comment on the proposed development. This is the minimum required for the City to fulfill its duties under SEPA.

Very truly yours,



Rita V. Latsinova

Enclosures

ENCLOSURES

1. Developer's SEPA checklist and Mr. Petrie's handwritten SEPA comments;
2. Geotechnical Report by Ed Heavey dated October 10, 2017;
3. Geotechnical Report by Ed Heavey dated December 27, 2017; and
4. Report by Eliza Davidson, Arbutus Design LLC dated February 4, 2017

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES GROUP
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Received By	

ENVIRONMENTAL CHECKLIST

PURPOSE OF CHECKLIST

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

PRE-APPLICATION MEETING

A pre-application meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

Please note: pre-application meetings are held on Tuesdays, by appointment. To schedule a meeting, submit the meeting request form and the pre-application meeting fee (see fee schedule). Meetings must be scheduled at least one week in advance. Applicants are required to upload a project narrative, a list of questions/discussion points, and preliminary plans to the Mercer Island File Transfer Site one week ahead of the scheduled meeting date.

SUBMITTAL REQUIREMENTS

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- A. **Completed pre-application.**
- B. **Development Application Sheet.** Application form must be fully filled out and signed.
- C. **Development Plan Set.** Please refer to the development plan set "tip sheet" in preparing plans.
- D. **Title Report.** Less than 30 days old.
- E. **SEPA checklist.**

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

4634 E Mercer Way SFR

2. Name of applicant: [\[help\]](#)

Studio 19 Architects

Attn: Steven Long

2017 1/2 1st Ave S, #300

Seattle, Washington 98104

3. Address and phone number of applicant and contact person: [\[help\]](#)

Address: 2017 1/2 1st Ave S, #300

Seattle, Washington 98104

Phone number: (206) 466-1225

4. Date checklist prepared: [\[help\]](#)

10.15.18

5. Agency requesting checklist: [\[help\]](#)

City of Mercer Island

~~6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)~~

Construction will commence upon final permit approval from the City of Mercer Island. The project will take approximately ten to twelve months to complete.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

No plans for future additions, expansion, or further activity currently exist.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

Wetland Resources, Inc. has prepared a critical areas assessment for this project titled *Critical Area Study for Four Season Homes, LLC - 4634 E Mercer Way SFR*. A geotechnical assessment has been prepared by PanGeo, Inc., titled *Geotechnical Engineering Study (Revised) Proposed Development 4634 E Mercer Way, Mercer Island, WA*.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

No applications are pending for governmental approvals of other proposals directly affecting the subject property.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

The project will require a building permit, issued by the City of Mercer Island, and Hydraulic Project Approval (HPA), issued by the Washington Dept. of Fish and Wildlife (WDFW).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The applicant proposes to clear and grade the existing subject property, and to construct a single-family residential structure. The proposal includes an access driveway, retaining walls, and connections to existing utility infrastructure. An above-ground pipe will convey stormwater generated within the subject property towards an outfall structure located in the vicinity of Lake Washington.

Petrie's do not approve

*of a 6" above ground pipe in a seasonal class III Stream
Petrie's DO NOT approve dumping of applicant's storm water onto
our property. They must dump directly into Lake Washington!*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The subject property is located at 4634 E Mercer Way, in the city of Mercer Island. Access is from a private driveway off of E Mercer Way that serves several existing single-family residences.

The Public Land Survey System locator for the property is Section 18, Township 24N, Range 5E, WM.

The King County tax ID number is 7558700008.

The legal description, as described by the King County Assessor, is: SANDY BEACH TRS UNREC LOT B CITY OF MERCER ISLAND SHORT PLAT 76-12-036 REC #7701060821 SD SP DAF - LOTS 1-2 & 3

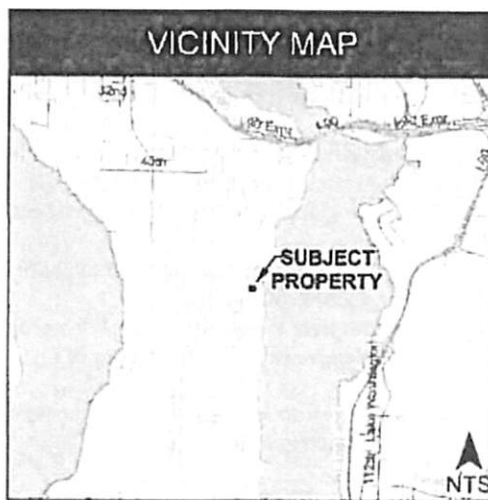


Figure 1: Vicinity Map

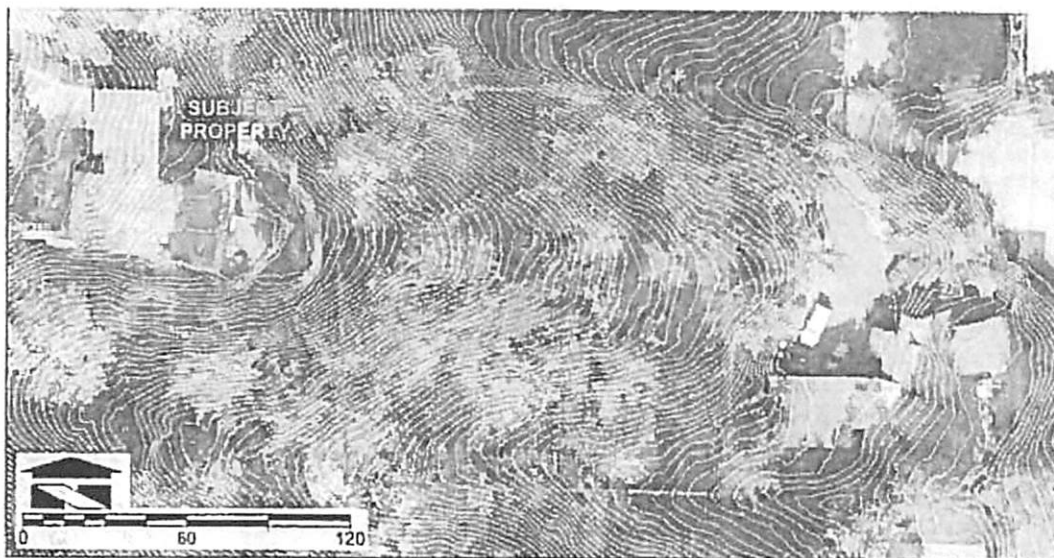


Figure 2: Site Topography (Data Source: King County 3x3 Digital Elevation Model)

B. Environmental Elements [\[help\]](#)

1. Earth [\[help\]](#)

- a. General description of the site: [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____
- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)
A small portion of the site exceeds 40 percent slope.

- c. What general types of soils are found on the site (for example; clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

One mapped soil type encompasses the entire subject property: Kitsap silt loam.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

The site is mapped within a potential landslide hazard area. Based on the PanGeo reconnaissance, no obvious evidence of slope instability or ground movement was observed. According to the PanGeo report, the subject site appears to be globally stable in its current configuration.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

Excavation and grading are necessary to complete the project. No fill is needed. Excavation was estimated as 1,400 cubic yards. The total affected area is approximately 8,000 square feet. *Hundreds of truckloads needed to haul trees and soil away from site damaging private road.*

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Erosion could occur as a result of clearing, construction, or use. *And severe damage to air property*

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

Approximately 6,000 square feet of the 21,375 square-foot parcel will be covered with impervious surfaces (~28%).

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Erosion and sediment controls are described on sheet 2 f the TESC Plan prepared for this project. Protective measures include well-defined clearing limits, limited construction vehicle access, silt fencing, covering exposed soils, storm drain inlet protection, and proper disposal.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Emissions release during construction, operation, and maintenance is limited to vehicle exhaust and particulate release, and that which is associated with normal single-family residential use. These emissions to the air are considered insignificant.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

Off-site emissions or odors are limited to the normal process of manufacturing and transporting building materials.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]
No specific measures are proposed to reduce or control emissions.

3. Water [help]

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]

The project occurs in the vicinity of a seasonal stream channel that flows east towards Lake Washington. The project also occurs in the vicinity of Lake Washington. The stream appears to flow only during heavy precipitation events, as evidenced by a narrow braided channel that flows through English ivy. *This project directly abuts this stream and is on this property.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]

The project requires one crossing of the aforementioned seasonal stream channel. An ABS stormwater pipe will be elevated from the ground surface in the vicinity of the watercourse using pipe collars. This approach will limit impacts to stream function. *Too small of pipe to handle 100 year Flood Plan and will dump water onto the lowest point on our property.*

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]

No fill or dredging of wetlands or waterbodies is proposed. ?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]

This project will not require surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]
The proposal is located outside of the 100-year floodplain. ?

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

The proposal does not involve discharge of waste materials to surface waters. Stormwater generated from impervious surfaces within the subject property will be discharged in the vicinity of Lake Washington. *onto Petrie property as currently proposed.*

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

This project will not result in groundwater use for drinking or other purposes.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

This project will be connected to the municipal sewer system.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow?

Will this water flow into other waters? If so, describe. [help]

Stormwater runoff will be collected and routed via subsurface drainage to the southeast portion of the developed area. Approximately 35 to 40 feet from the aforementioned seasonal watercourse, the pipe daylight. The above-ground pipe travels for approximately 300 feet to the east towards Lake Washington. A 3'x8' outfall pad will dissipate flows, approximately 10 feet from a bulkhead that defines the ordinary high water mark of Lake Washington. *Petrie's reject this dumping of run-off water onto our property.*

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]

Waste materials will not enter ground or surface waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]

Existing drainage patterns are in the form of sheet flow to the south and east, towards the seasonal channel and Lake Washington. This proposal alters drainage patterns by collecting and conveying the developed drainage and surface inflow generated within the project area (~6,000 square feet) directly to Lake Washington. *Directly? See above statement. Pipe is way too small and needs to go directly into Lake Washington*

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [help]

The drainage plan was developed using the City of Mercer Island adopted standards which includes the Department of Ecology's Stormwater Manual for Western Washington. The project's drainage control system consists of both subsurface and surface collection methods (i.e. footing drains, area drains, roof downspout collection, etc.). After collection, the controlled discharge will be via a tightline pipe to Lake Washington. Upon completion of the project the potential for drainage related issues, that may have impacted downstream properties, will be eliminated or significantly decreased. *HAN*

4. Plants [help]

- a. Check the types of vegetation found on the site: [help]

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? [help]

Vegetation removal will occur in a mixed deciduous/coniferous forest with a relatively dense understory consisting of native shrubs and groundcover.

- c. List threatened and endangered species known to be on or near the site. [help]

No known threatened or endangered plant species are known to be on the site. Threatened and endangered Chinook and bull trout are known to occur in Lake Washington. The on-site stream does not provide habitat for threatened/endangered species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

No preservation or enhancement measures are proposed.

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

The site contains English ivy, holly, and Himalayan blackberry.

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: squirrels, raccoon

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

No threatened or endangered terrestrial or avian species are known to be on or in the immediate vicinity of the site.

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The project is within the Pacific Flyway, which is a migratory route for many avian species.

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

No wildlife preservation or enhancement measures are proposed.

e. List any invasive animal species known to be on or near the site. [\[help\]](#)

No known invasive animal species are present on the site.

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

The project will use electricity and natural gas, for heating and cooking.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe. [\[help\]](#)

The project is located in a coniferous/deciduous forest, and will not affect potential use of solar energy by adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

No specific energy conservation features are included in the plans of this proposal.

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe. [\[help\]](#)

No specific environmental health hazards are likely to occur as a result of this proposal.

1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

The applicant is unaware of any known or possible contamination at the site.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

No existing hazardous chemicals/conditions are proposed.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)
No toxic or hazardous chemicals are likely to be store, used, or produced during the project's development, construction, or during the operating life of the project.

4) Describe special emergency services that might be required. [\[help\]](#)
Special emergency services are not anticipated to be required.

5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)
No environmental health hazard reduction or control measures are provided.

b. Noise [\[help\]](#)

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)
Normal noise associated with single-family residential use exist in the the area. They are not expected to affect the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)
Short-term noise includes the operation of multiple pieces of machinery at the same time, during normal working hours. Long-term noise would consist of normal types and levels associated with single-family residential use.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)
No measures are proposd to reduce or control noise impacts.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)
The site is currently undeveloped land. Single-family residential use occurs on all sides. The proposal will not impact current land uses on nearby or adacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)
The project site has not been used as working farmlands or working forest lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)
No working farms or forest land surround the site.

c. Describe any structures on the site. [\[help\]](#)
No structures currently exist on the site.

d. Will any structures be demolished? If so, what? [\[help\]](#)
No structures will be demolished.

e. What is the current zoning classification of the site? [\[help\]](#)
The site is zoned R-15.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)
The comprehensive plan designates the site for single-family R-15 use.

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
The portion of the project that is within the shoreline area is classified as Urban Residential.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
The aforementioned seasonal stream channel has been identified as a critical area (Type 3 Watercourse) by the City.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
One family will reside in the completed project.

j. Approximately how many people would the completed project displace? [\[help\]](#)
No people will be displaced by this project.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
No measures to avoid or reduce displacement are proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
Based on the surrounding land use, and consistency between current zoning and the comprehensive plan designation, it appears that this proposal is compatible with existing and project land uses.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)
No measures are proposed to ensure compatibility with nearby agricultural and forest lands of long-term commercial significance.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
This proposal will create one high-income unit.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
This proposal will not eliminate any existing units.

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)
No measures to reduce or control housing impacts are proposed.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
The structure is 28 feet above grade (on average). The structure is not more than 30 feet tall at any given point.

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
The property is densely forested. Any view alterations or obstructions would be minimal.

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)
No measures to reduce or control aesthetic impacts are proposed.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

Light and glare will occur consistent with single-family residential development; interior lights and outdoor flood/security lights will be primarily used after the sun goes down.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
Light or glare from the finished project is not expected to create a safety hazard or view obstruction.

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
Off-site sources of light or glare are not expected to affect the proposal.

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)
No measures are proposed to reduce or control light and glare impacts.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
No designated or informal recreational opportunities are in the immediate vicinity of the project.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
The project would not displace any legally existing recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)
No measures to reduce or control impacts on recreation are proposed.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

No structures over 45 years old are located on the site. It is not known if such structures exist near the site that are 45 years old or older.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

There are no known landmarks, features, or other evidence of Indian or historic use or occupation within the subject property. No material evidence, artifacts, or areas of cultural importance are known to exist on or near the site. No professional studies have been conducted at the site to identify such resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

No formal assessment or consultation has been conducted in support of this project related to cultural and historic resources.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [help]

No avoidance, minimization, or compensation measures for loss, changes, or disturbance to resources are proposed for this project.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

The site is accessed via private road off of E Mercer Way. Access to the site is from the private road. The access point is clearly shown on project site plans. *Pictures show access road currently showing*

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]

Public transit generally requires an approximately one-mile walk to Island Crest Way and SE 54th Street.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

The proposed project will create two parking spots. The project will not eliminate any parking spots.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

No improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities are proposed.

e. Describe the existing condition of the proposed access road, including width of easement, width of pavement or roadway, curbs, gutters, and/or sidewalks.

The proposed access road is a private road with no curb, gutters, or sidewalks. The width of the easement is not known. Pavement width is approximately 13 feet.

f. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

The project will not occur in the immediate vicinity of water, rail, or air transportation.

g. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

The completed project will generate four vehicle trips per day, based on personal communication with Mercer Island planning staff.

h. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]

The proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products, as no agricultural or forest products are regularly transported on E Mercer Way.

i. Proposed measures to reduce or control transportation impacts, if any: [help]

No measures are proposed to reduce or control transportation impacts.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]

The project will result in a slightly increased need for public services, due to the creation of a new single-family residence.

b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

The newly created residence will increase tax base, which will reduce direct impacts on public services.

16. Utilities [help]

a. Circle utilities currently available at the site: [help]

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other Internet

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

Electricity, natural gas, water, refuse service, sewer will be provided by Seattle Public Utilities. Natural gas will be provided by Puget Sound Energy. Telephone and internet will be provided by Comcast. General construction activities on the site are typical of standard utility connection efforts for new single-family residences.

C. Signature [help]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Name of signee Paul Maksimchuk

Position and Agency/Organization Four Seasons Homes LLC

Date Submitted: 11/9/18

December 27, 2017

City of Mercer Island
Development Services Group
9611 SE 36th Street
Mercer Island, Washington 98040

Attn: Ms. Robin Proebsting, Senior Planner

Transmitted via email to: *robin.proebsting@mercergov.org*, *mpetri@copiersnw*, and *rita.latsinova@stoel.com*

**Re: Additional Comments
Proposed Single-Family Residence Development
4634 East Mercer Way, Mercer Island, Washington
City of Mercer Island Permit No. 1507-166**

Dear Ms. Proebsting:

This letter provides an update to comments presented in my October 10, 2017 letter regarding the proposed development at 4634 East Mercer Way in Mercer Island, Washington.

I understand that a waterline near the intersection of 46th Street SE and Dawn Drive reportedly failed on December 11, 2017. As I observed during a December 18, 2017 site visit, the failure resulted in severe erosion of the slope below the intersection. Reportedly, mud and debris was washed downslope eastward toward and across East Mercer Way then down a gully adjacent and north of a narrow drive way identified as 4600 Block. Given the steepness of the slope below the intersection of 46th Street SE and Dawn Drive and my past experience investigating similar types of slope failures, the failure of the water line was likely due to ongoing deformation of the steep slope below the intersection of 46th Street SE and Dawn Drive. Slope deformation can induce both lateral and vertical stresses on the waterline pipe, which likely resulted in the leak.

The driveway identified as 4600 Block is the shared access driveway that was discussed in my October 10, 2017 letter. As stated in my letter, I observed indications of instability of the slope along the portion of the roadway that extends eastward from East Mercer Way. Several trees along the top of the shared access roadway were observed to lean backwards, the fire hydrant is leaning outward, and two areas along the north edge of the shared access road have subsided and have several cracks parallel to the slope face. Observations made during a follow up site visit on September 24, 2017 indicated that the roadway has continued to subside in these two areas and the cracks have widened since my first visit in October 2015. Slope instability is likely a result of creep of the surficial soil on the slope below the roadway. The processes operating on the slope below the shared access roadway are similar to those acting on the steep slope below the intersection of 46th Street SE and Dawn Drive where the waterline failed on December 11, 2017.

In my October 10, 2017 letter, I had expressed concerns that the slope supporting the north side of the shared access roadway is at risk of not being able to support the expected construction truck traffic as a result construction-related activities of the proposed development at 4634 East Mercer

Way. Of particular concern is the waterline situated within the shared access roadway. Little is known about the condition of this waterline, including depth of burial and structural integrity. If there is insufficient cover over the pipeline, heavy wheel loads from trucks and/or slope movement caused by heavy trucks using the shared access road could damage the pipe resulting in leakage to potentially a complete failure of the pipe. I expect that a failure of the waterline within the shared access roadway will have similar consequences as the recent waterline failure near the intersection of 46th Street SE and Dawn Drive. If the waterline in the shared access roadway were to fail, the failure would result in significant impacts to the area, including flooding, property damage, and mud and debris flowing into Lake Washington.

Also in my October 10, 2017 letter, I had discussed potential impacts as a result of construction-related activities to the slope and wood wall on the Petrie property (4640 East Mercer Way) immediately east of the proposed development. During a November 6, 2017 site visit you attended, Ms. Petrie described the soil on the slope above the wall as “slippery.” By “slippery”, I believe she meant the soil is easily disturbed and prone to raveling and erosion. Raveling is generally defined as relatively rapid downslope movement of individual surface soil particles and/or shallow veneer surface soil layer and is similar to soil creep as both processes are chiefly driven by gravity and water. The soil composing the slope that is supported by the wood wall is composed of relatively clean sand and gravel that is prone to raveling and erosion when disturbed. As stated in my October 10, 2017 letter, the wood wall is fragile and there is a potential for construction related vibration to damage the wall resulting in impacts to the Petrie property. Impacts could include sloughing of soil onto the parking area adjacent to the house due to raveling and erosion.

If you should have any questions or require clarification on any of the items discussed above, please call me at (206) 390-8742.

Sincerely,

Edward J. Heavey, P.E.
Geotechnical Engineer



EJH/ejh

[G:\BARCELO\COMMENT LTR\ADDITIONAL COMMENT LTR122717.DOCX]

Cc: Ms. Rita V. Latsinova,
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, Washington 98101

Mr. Mark Petrie
4640 East Mercer Way
Mercer Island, Washington 98040

October 10, 2017

Mr. Mark Petrie
4640 East Mercer Way
Mercer Island, Washington 98040

Transmitted via email to: *mpetri@copiersnw* and *rita.latsinova@stoel.com*

**Re: Geotechnical Review
Proposed Single-Family Residence Development
4634 East Mercer Way, Mercer Island, Washington
City of Mercer Island Permit No. 1507-166**

Dear Mr. Petrie:

At your request, I have reviewed the documents pertaining to the proposed development at 4634 East Mercer Way in Mercer Island, Washington. Documents reviewed were submitted in support of City of Mercer Island (City) Permit No. 1507-166 which was initially approved by the City on August 23, 2016, but is currently under additional review by the City. The proposed project consists of constructing a single-family residence (SFR) on a heavily-treed, vacant lot located at 4634 East Mercer Way in Mercer Island, Washington (subject property). My comments are based on review of the following documents:

- *Watercourse Determination Report for 4634 East Mercer Way (King County Parcel 7558700008), Located in the City of Mercer Island, Washington, dated August 15, 2017, prepared by Wetland Resources, Inc.*
- *Geotechnical Report Addendum; Evaluation of Surcharge Load on Soldier Pile Wall; Proposed Development; 4634 E Mercer Way, Mercer Island, WA, dated August 12, 2016, prepared for Barcelo Homes, LLC by PanGeo*
- *Statement of Risk; Proposed Development; 4634 E Mercer Way, Mercer Island, WA, dated July 19, 2016, prepared for Barcelo Homes, LLC by PanGeo*
- *Response to Correction Notice #5, dated July 18, 2016, prepared by Andrew Wisdom of Studio 19 Architects*
- *Approved Building Permit Submittal Drawings, including City of Mercer Island Cover Sheet dated August 23, 2016:*
 - *Sheets G0.01 and G0.02, prepared by Studio 19 Architects*
 - *Site Survey: Sheets 1 and 2, prepared by APS Surveying and Mapping*
 - *Civil Drawings: Sheets C1 through C6, prepared by Litchfield Engineering*
 - *Architectural Drawings: Sheets A1.01 through A9.04, prepared by Studio 19 Architects.*
 - *Structural Drawings: Sheets S1 through S-10, prepared by Tecinstruct LLC*

In addition, I have made several visits to the area to observe conditions as they relate to the proposed development.

GEOLOGIC HAZARD AREAS

Mercer Island City Code (MICC) identifies the site of the proposed development as within a geologic hazard area. Geologic hazard areas are susceptible to erosion, sliding, earthquake, or other geological events. Because of their hazardous conditions, these areas pose a threat to health and safety when development is sited too closely. Geologic hazard areas are regulated mainly for these safety reasons, but they are also regulated for their habitat values. Steep slopes can be conduits for groundwater draining from hillsides to form the headwaters of wetland and streams.

Per section 19.07.060.D.1 of the MIMC, alterations of geologic hazard areas may occur if the code official concludes that such alterations:

- a) Will not adversely impact other critical areas;
- b) Will not adversely impact (e.g., landslides, earth movement, increase surface water flows, etc.) the subject property or adjacent properties;
- c) Will mitigate impacts to the geologic hazard area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and
- d) Include the landscaping of all disturbed areas outside of building footprints and installation of all impervious surfaces prior to final inspection.

The City of Mercer Island public map portal

(<https://pubmaps.mercergov.org/SilverlightViewerEssential/Viewer.html?Viewer=ExternalWebGIS>)

shows that the shared community access roadway and the area surrounding the proposed development are located within erosion and landslide hazard areas and are critical areas as defined by MICC 19.16.010. Therefore, construction of the SFR at 4634 East Mercer Way in Mercer Island, Washington cannot adversely impact other critical areas and the surrounding properties.

COMMENTS

Based on my own review of the available documents submitted by the applicant and conditions observed during my several visits to the area, likely adverse impacts to the critical areas surrounding the proposed development include:

- At the top of one of the lower hairpin turn, the shared access road is constricted by a significant, large fir tree on one side and a rockery along the other side. The road width is only 14 ft at this location. It will be difficult for large construction trucks (dump trucks, logging trucks, and cement trucks) to make this turn along with concrete trucks and other large trucks. In my professional opinion, there is the potential for significant damage to the tree and/or rockery.

- Between East Mercer Way and the upper hairpin turn, the slope along the north side of shared access road descends steeply downward. I observed several indications of instability of the slope along this portion of the roadway. Several trees along the top of the roadway were observed to lean backwards, the fire hydrant is leaning outward, and two areas along the north edge of the shared access road have subsided and have several cracks parallel to the slope face. Slope instability is likely a result of creep of the surficial soil on the slope below the roadway. Soil creep generally occurs on slopes steeper than 50 percent and is defined as a slow, downslope movement of the surficial soil as a result of gravity. Observations made during a September 24, 2017 site visit indicated that the roadway has continued to subside in these two areas and the cracks have widened since my first visit in October 2015. Between the two hairpin turns, a steep slope supported by a series of landscape retaining walls is present along the eastern side of the shared access road. Several large cracks in the pavement that parallel the slope face were observed there, as well. The cracking is likely due to deflection of the landscape retaining walls and soil creep. The slopes supporting these portions of the shared access roadway are at risk of not being able to support the expected construction truck traffic. The project geotechnical engineer should have evaluated the impact of trucks on the stability of the slopes along the access roadway. In my professional opinion, the truck traffic will likely increase the potential of a slope failure involving the access roadway and represents a potential public safety hazard.
- The T.E.S.C. Plan (Sheet C4) calls for the temporary construction access roadway to be constructed of quarry spalls. Though required by Note 4 of the approved T.E.S.C. Plan, no measures are shown to prevent and/or capture runoff and sediment from the construction access road before reaching the shared access roadway. Note 2 of the T.E.S.C. only requires sweeping of the shared access roadway to remove sediment from the shared access roadway at the end of the day. Even if earthwork will likely occur between April and October of 2017, significant precipitation events can occur in the spring and summer months and uncontrolled runoff from temporary construction access roadway can adversely impact the residences down gradient from the subject property. Section 19.07.060.D.1.b of the MIMC does not allow for increased runoff from geologic hazard areas to prevent impacts to the subject property or adjacent properties. In my professional opinion, the TESC Plan contains inappropriate erosion control measures for the temporary access road, jeopardizing the down gradient property owners.
- All runoff from the shared access road downslope of the lower hairpin turn is collected by a trench drain across the driveway to the residence located at 4632 East Mercer Island Way. The trench drain may discharge directly to Lake Washington. Without adequate erosion control measures, sediment from the construction site may reach the lake. In my professional opinion, there are inappropriate erosion control measures for the temporary access road, exposing Lake Washington to construction stormwater and sediment flows.
- Sheet 3 of the Civil Drawings shows that the lower portion of the driveway is sloped in excess of 20 percent. A single catch basin is shown at the base of the driveway. In my professional opinion, during periods of intense precipitation, stormwater runoff from the driveway will likely over shoot the catch basin and flow down the shared access road. Section 1.07.060.D.1.b of the City of Mercer island Code does not allow for increased runoff from geologic hazard areas. In my professional opinion, there is insufficient analysis and design of

the stormwater collection system of the driveway, impermissibly exposing the geologic hazard area to increased runoff.

- A wood wall up to about 4½ ft in height is located about 15 to 20 ft east of the east property line. The wall supports a portion of the steep slope along the western edge of the paved parking area of the residence located at 4640 East Mercer Way. The slope rises about 13 ft vertical above the wall with an average slope of about 80 percent. The wall was observed to be in very poor condition. Given the fragility of the wall, it is my professional opinion that there is a potential for construction related vibration to damage the wall resulting in impacts to the property located at 4640 East Mercer Way.
- The August 15, 2017 wetland report requires a 35 ft setback from the watercourse located along the eastern side of the property. As shown on Watercourse Determination Map provided with the report, the southern edge of the proposed residence is along the edge 35 ft buffer, and the project drawings (Sheets 3, A1.01, and A1.02) show improvements within the proposed 35 ft buffet.
- The construction drawings indicate that the watercourse on the south side of the property will be directed into the storm drain outfall pipe that extends down to Lake Washington. Section 19.07.070.D.2 of the MIMC does not allow for Type 3 watercourses to be put into culverts, unless approved by the City of Mercer Island. When culverts are allowed, the MIMC requires that the culvert be designed to mitigate impacts to critical area functions. The outfall pipe has not been designed to mitigate impacts to the function of critical areas and the August 15, 2017 wetland report does not provide any analysis of potential impacts to the watercourse as a result of placing it into a pipe.
- With the removal of many significant trees and the increase in impervious area, the proposed development will significant change the site hydrology which will likely adversely impact the watercourse along the south side of the property. The August 15, 2017 wetland report does not provide any analysis of potential impacts to the watercourse as a result of the development.

STATEMENT OF RISK

Per section 19.07.060.D.2 of the MICC, alteration within geologic hazard areas may occur if the development conditions listed section 19.07.060.D.1 of the MIMC are satisfied **and** the geotechnical professional provides a statement of risk with supporting documentation indicating that one of the following conditions can be met:

Statement of Risk. Alteration within geologic hazard areas may occur if the development conditions listed above are satisfied **and** the geotechnical professional provides a statement of risk **with supporting documentation** indicating that one of the following conditions can be met:

- a) The geologic hazard area will be modified, or the development has been designed so that the risk to the lot and adjacent property is eliminated or mitigated such that the site is determined to be safe;
- b) Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologic hazard area;
- c) The alteration is so minor as not to pose a threat to the public health, safety and welfare; or
- d) An evaluation of site specific subsurface conditions demonstrates that the proposed development is not located in a geologic hazard area.

MICC 19.07.060.D.2 (emphasis added).

The following specific comments are provided regarding the July 19, 2016 Statement of Risk prepared by PanGeo:

- The Statement of Risk provides no supporting documentation that the requirements of section 19.07.060.D.2 have been met.
- The Statement of Risk states that *“The overall site stability will be greatly improved for the post-construction condition after soldier pile walls are constructed.”* Section E on Sheet S10 of the Structural Drawings shows a temporary excavation in front of the soldier pile wall along the west side of the house to accommodate construction of the basement foundation. The excavation appears to be about 12 ft deep and sloped at about a 1 horizontal to 1 vertical inclination. The detail indicates that the excavation is to be backfilled after construction of the basement wall, leaving a level surface in front of the soldier pile wall. Review of the soldier pile calculations (Response to Correction Notice #5); indicate that an allowable passive lateral earth pressure of 300 pounds per cubic foot (pcf) was used in the design of the soldier pile wall. In my opinion, an allowable passive lateral earth pressure of 300 pcf would be appropriate if the ground surface in front of the soldier pile wall is level. The soldier pile wall along the west side of the house may undergo unacceptable deflection due to inadequate lateral resistance. The geotechnical engineer and structural engineer should have evaluated and revised the design as necessary. In my professional opinion, the passive lateral earth pressure inadequately accounts for the temporary excavation in front of the wall, jeopardizing the integrity of the site and presenting a potential safety hazard.
- My review of the Approved Building Permit Submittal Drawings and conditions indicates that the erosion control measures are inadequate.

- The slopes supporting portions of the shared access roadway may not be able to support the expected construction truck traffic. This will likely increase the potential of a slope failure involving the access roadway and represents a potential public safety hazard.
- Construction related vibration may result in damage to the wood wall on the property located at 4640 East Mercer Way.

In my opinion, the July 19, 2016 Statement of Risk prepared by PanGeo does not fully address the requirements of 19.07.060.D.2 of the MICC. All critical areas must be designated and their functions and values protected using the best available scientific information - known as "BAS". It does not appear as if BAS was used to evaluate the risk of the development on the surrounding properties. Though the Statement of Risk states that the development has been designed so that the risk to the subject property and adjacent properties has been eliminated or mitigated such that the site is determined to be safe, it provides no supporting documentation for that statement, as required by the code. For the reasons described above, it is my opinion there are likely significant adverse impacts as a result of inadequacy of the soldier pile wall, inadequate erosion control measures, and slope instability along the shared access road.

Based on my review of the approved plans and conditions observed during visits to the area, it is my opinion that construction of the proposed single family residence at 4634 East Mercer Way in Mercer Island, Washington will adversely impact critical areas on adjacent properties, thereby jeopardizing both public safety and property. Therefore, the project should not be allowed per Section 19.07.060.D.1 and of the MICC. In addition, the July 19, 2016 Statement of Risk prepared by PanGeo does not fully address the requirements of 19.07.060.D.2 of the MICC.

Thank you for the opportunity to be of service on this project. If you should have any questions or require clarification on any of the items discussed above, please call me at (206) 390-8742.

Sincerely,

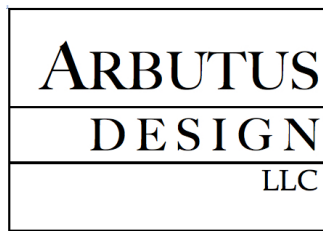


Edward J. Heavey, P.E.
Geotechnical Engineer

EJH/ejh

[G:\BARCELO\COMMENT LTR\CRITICAL AREAS PERMIT COMMENT LTR101017.DOCX]

Cc: Ms. Rita V. Latsinova,
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, Washington 98101



February 4, 2017

Stoel Rives LLP
600 University Street, Suite 3600
Seattle, Washington 98101

Attn: Rita V. Latsinova

Transmitted via email to: *rita.latsinova@stoel.com*

**Re: Tree and Environmental Code Review
Proposed Single-Family Residence Development
4634 East Mercer Way, Mercer Island, Washington
City of Mercer Island Permit No. 1507-166
Project No. 0383008.010.011**

Dear Ms. Latsinova:

Assignment:

At your request, I have reviewed the building permit document set, City of Mercer Island (City) Permit No. 1507-166 and approved by the City on August 23, 2016, for the proposed single-family residence to be located at 4634 East Mercer Way in Mercer Island, Washington. Documents included the Tree Permit and Conditions of Permit Approval, and by reference the Arborist Report (by Sue Nicol, dated 5/20/15). In particular, I evaluated submitted documents for consistency with requirements of Mercer Island Unified Land Development Code Chapter 19 governing Geological Hazard Areas, Trees and Vegetation.

Findings:

TREE CODE (MICC Chapter 19.10)
Permit application – (19.10.080.B)

The Code provides that “the City arborist shall complete a review [of an application for a tree permit] and make a decision within 30 days from the date a complete application is submitted. ...” In this case, the city arborist did not provide permit review due to a conflict of interest. City’s civil engineer who stepped in to review the application is not professionally qualified to perform the make determinations that require specializes arborist’s expertise.

Tree replacement - Numbers (19.10.060.D)

“In making a determination regarding the number of replacement trees required, the city arborist shall apply a replacement ratio based on a sliding scale of 0.1 up to 4.1 depending upon the criteria in the following priority order.

1. Percentage of slope, slope stability, topography and general soil conditions.

-
2. Trunk size and canopy of tree to be cut and trunk size and canopy of replacement tree.
 3. Size and shape of lot and area available to be replanted, and
 4. Proximity to any critical tree area and/r the existence and retention of vegetative cover in any critical tree area.

All four criteria directly relate to this project and three, including two top criteria, point to a high-end replacement ratio being appropriate.

The issued Tree Permit's Description of Work states: "Remove 21 trees. Replace w 32 or produce landscape plan." This equals a 1.5:1 replacement ratio, near the low end rather than the high end. No landscape plan was provided by the applicant as an alternative to fitting 21 trees on this highly developed site, to indicate number, species and sizes of proposed trees and amount, type and location of understory vegetation to be planted. Since no landscape plan has been provided, none has been reviewed or approved. Why was this not required as a precondition of the City issuing permits, especially for development entirely within a Geological Hazard Area?

How will the City insure adequate provision of replacement trees and Vegetative Cover, defined as *All significant vegetation (excluding exotic or invasive species) in a critical tree area, the existence or loss of which will have a material impact on the critical tree area?* Not only are replacement trees required in the tree code, so also is a Restoration/Protection Plan as part of a Tree Permit application for Construction Work (MICC 19.10.080.A.3.b): "a plan for erosion control *and restoration of land during and immediately following the construction period.*" Is the Construction Sequence note (Civil Sheet 2) "10. Install permanent vegetation and mulch all disturbed areas." sufficient? Does this protect either the critical area or public safety?

TREE PERMIT CONDITIONS and TREE PLAN (Sheet No. A1.02)

The Site Description in the applicant's Arborist Report states, "The site is steeply sloped with native trees. The majority are Douglas fir and big leaf maples, some magnificent in stature." Stand density equates to over 65 Large (MICC 19.16.010) trees per acre. Of 32 existing trees on site, nine meet the 36" diameter requirement for Landmark Tree designation (MICC 19.16.010). As a group, the property's trees undoubtedly qualify as a landmark grove, meeting the definition's first criterion:

1. The grove is relatively mature and is of a rare or unusual nature containing trees that are distinctive either due to size, shape, species, age or exceptional beauty."

Well over half of existing trees (18) exceed two feet in diameter, all are native, and over 70% are in Good to Excellent condition. This site lies within 3/10 mile of Eagle Nest #6 on Mercer Island Properties Affected by Bald Eagles map, Given the site's proximity to both a nest and Lake Washington, its statuesque Douglas firs no doubt provide eagle lookout trees for hunting, in addition to important habitat for other native fauna.

The Tree Inventory does not match tree counts on the Tree Plan. Two trees listed as On Site are Off Site (#25, A), reducing total On Site trees to 32. Tree #36 is misidentified as retained but shown as

removed. One unidentified tree drawn just southwest of Tree #38 I interpret to be its second stem rather than a separate tree, although Survey Sheets 1 & 2 identify these by separate numbers and different species.

Of 32 existing trees, two-thirds (21) are slated for removal, including fourteen (14) in Good or Excellent condition and six (6) that are of Landmark Tree stature. Two-thirds of existing trees over 36” diameter are slated for removal. The number and size of trees lost from the site will significantly reduce the contribution of trees to slope stability of the Geological Hazard Area.

For the majority of retained trees (6 of 11), canopy delineation on the Tree Plan does not match the spread listed in the Tree Inventory on Sheet A1.02. Drip lines are undersized by 4 ft. to 15 ft. *radius*, meaning that canopy diameter is as much as 30 feet larger than shown on the plan. This incorrect delineation seriously misrepresents areas of required root protection, stated in Tree Plan Key Notes (Sheet A1.02), Tree Protection Detail (Civil Sheet 2) and Conditions of Permit Approval:

“Tree protection fencing must be installed at the drip line of trees to be saved or as otherwise noted on the plans.” Two off-site trees with canopies extending over the property also are drawn smaller than listed.

Perhaps not coincidentally, the most undersized canopies shown are for trees nearest to or intruded upon by construction activity. Owing to these trees’ locations and types of construction disturbance, all are non-compliant with Conditions of Permit Approval, page 8 Trees, the Tree Protection Plan in the Arborist’s Report (p. 2), Tree Plan Key Notes (Sheet A1.02) and the Tree Protection Detail (Civil Sheet 2 of 6). Specifically, if canopies were drawn correctly, the following Conditions of Permit Approval could not be met:

1. All tree protection fencing...must be maintained for the duration of the project. Fencing will conflict with planned grading and construction of structures, including soldier pile walls, exterior stairs, patios, planter, driveway and house.
2. No grading within drip line.
3. Removal of existing vegetation within drip line prior to final landscape installation.

This significant oversight may have occurred because the city arborist did not perform plan review as required by Tree Code (MICC 19.10.080.B), nor was a surrogate, “Qualified professional” arborist engaged, defined as “A person who performs studies, field investigations and plans on critical areas and has an educational background and/or relevant experience in the field, as determined by the code official” (MICC 19.16.010). For arborists, the required professional qualification is International Society of Arboriculture certification.

SLOPE and STEEP SLOPE (MICC 19.16.010)

The subject site lies entirely within an identified Geological Hazard Area having both Potential Slide and Erosion Risk, with Critical Tree Area Protected Slopes covering over 96% of the property.

Slope is defined as:

*A measurement of the average incline of a lot or other piece of land calculated by subtracting the lowest elevation from the highest elevation and **dividing the resulting number by the shortest horizontal distance between these two points.***

Elevation falls across the site 53 feet from west to east, with the shortest measured distance of 145 ft, yielding a site slope of 36.6%. Site Slope Calculations on Sheet A1.01 understate slope by 8.9% to 20.7%. None of the three slope measurements provided used the correct parameters: “shortest horizontal distance” between points of highest and lowest elevation.

The measured slope for the entire site is just 3.4% under 40% steep slope designation, but the majority of the site does meet the 40% Steep Slope threshold, calculated pursuant to the code definition:

Steep Slope: Any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.

With the exception of a central east-west terrace and along the south edge, slopes range from 40% to 60%. The latter triggers a very high standard of documentation and review.

PROTECTED SLOPE AREA and CRITICAL TREE AREA (MICC 19.16.010)

Critical Tree Area is defined as:

An area on a lot where trees are provided certain protections that contains any of the following:

- 1. A geological hazard area;**
- 2. A watercourse of its buffer;*
- 3. Wetlands or their buffer; or*
- 4. Protected slope area.**

The subject property qualifies under criteria 1. and 4. Protected Slope Area is defined as: *Any area within a 40-foot radius of the base of the subject tree if there is any point within that area that is at least 12 feet higher or lower than the base of the tree.* According to this definition, all 32 existing Large (Regulated) trees on the site fall within both a Geological Hazard Area and Protected Slope Area. Only about 750 sq. ft. of the lot falls outside a Protected Slope Area. For any Critical Tree Area, tree permit applications require:

An application covering a tree located in a critical tree area shall include a proposed time schedule for the cutting, land restoration, implementation of erosion control and other measures that will be taken in order to prevent damage to the critical tree areas. (MICC 19.10.080.A.

In addition:

No cutting of trees located in geological hazard areas or protected slope areas is allowed between October 1 and April 1 unless an administrative waiver has been granted...The city arborist may grant an administrative waiver to this seasonal development limitation if the city arborist determines that

such environmentally sensitive areas will not be adversely impacted by the proposed cutting and the applicant demonstrates compelling justification by a geotechnical evaluation of the site (MICC 19.10.030)

The Construction Sequence on Civil Sheet 2 does not provide this required time schedule, nor is it provided on Tree Plan Sheet A1.02. The City has indicated on October 25, 2016 that a reference to a waiver in the building permit was a “mistake” and that the applicant had not applied for the waiver prior to the issuance of the building permit. Subsequent to permit issuance an application was made on November 29, 2016 for a waiver, with no supporting documentation as required by code.

CRITICAL AREA DETERMINATION and CRITICAL AREA STUDY (MICC 19.16.010)

No Critical Area Study was completed as part of Tree Permit review despite the fact that all site trees are within a Critical Tree Area and the entire site is a Geological Hazard Area. A critical area study (MICC 19.07.050) when required must include among its documents:

C. Mitigation and restoration plan to included the following information:

- 1. Location of existing trees and vegetation and proposed removal of same;*
- 2. Mitigation proposed including location, type, and number of replacement trees and vegetation;*
- 3. Delineation of critical areas;*
- 4. N/A wildlife conservation area*
- 5. Proposed grading;*
- 6. Description of impacts to the function of critical areas; and*
- 7. Proposed monitoring plan.*

In my opinion, the nature of the site and proposed modifications indicate that a Critical Area Study was necessary for the protection of the critical areas and should have been required, particularly in the absence of review by the City arborist.

SOLDIER PILE WALL IMPACTS ON TREES #47 & #48 (Sheet S11 & MI Soldier Pile Design 3/16/16)

Section E - Soldier Wall shows Tree #47 with grading to face of trunk, removing from 1- 4 ft. of soil depth within the protected root zone. In the revised design, the same sketch shows grading extending *beyond* the tree trunk to its upslope side and exposing at least a foot of root depth at its base. A similar condition occurs at Tree #48 about eight feet north of Tree #47, although its elevation is slightly lower and distance from face of soldier wall about two feet longer. Both conditions violate tree protection requirements that prohibit vegetation removal and grading within the drip line. Furthermore, such

excavation has great potential to damage and destabilize both trees due to undermining and structural root loss.

In Section E, Tree #47 is depicted as a conifer with a 15 ft. drip line radius. According to the Tree Plan and Tree Inventory (Sheet A1.02) it is a bigleaf maple with a 28 ft. dripline radius – nearly double what Section E represents. Tree #48 is also a bigleaf maple. Its dripline radius is 40 ft., extending all the way to the west edge of the house. These discrepancies and extensive disturbance within the drip lines suggest that survival of either tree is questionable. These are essentially removals, not retained trees. Without them, remaining trees would drop to nine and two of the largest specimens would be lost.

Neither Section E nor plans delineate the limit of over-excavation required to construct the soldier pile walls. The TESC Plan on Civil Sheet 2 shows the “Limits of Clearance and Grading” extending far beneath multiple tree drip lines, and in the case of Tree #47 all the way to its trunk (which under-represents the extent). On the same drawing a note points to these locations and calls out: *Trees to be saved near construction activity shall be protected with temporary orange fencing installed at the drip line prior to clearing (typ.)* Plans examiners made no note of this consequential contradiction, as if tree protection were not to be taken seriously.

STORM DRAIN INSTALLATION IMPACT ON EASEMENT TREES (Civil Sheets 2, 3 & 6)

Sheet 2 indicates the entire, five-foot width of utility easement is a clearing area. Stripping existing understory vegetation and surface tree roots could both increase erosion in an identified Erosion Hazard Area and contribute to tree decline or destabilization. If pipe installation is carried on the surface only this damage could be substantially avoided. Sheet 3 notes installation will be a combination of at-grade and below-grade installation. Combining surface and subsurface installation methods is largely impractical and destructive. Over 50% of horizontal distance traverses tree drip lines, where excavation cannot “avoid existing root systems.”

Pipe installation will be more feasible using either all surface or all subsurface pipe. If buried, root damage and possible destabilization will result if digging is done by trenching; to avoid these impacts either boring or air spade excavation is preferable. Depth should be sufficient to traverse slope beneath primary root zone of trees (typically the top 18-24 in.). For above-ground installation anchorage would be more secure at closer than 40 ft. centers. Pipe will be vulnerable to movement and damage on the steepest part of the slope.

Thirteen trees will be impacted by drain pipe installation, seven of them in critical root zones. Five trees grow in the five foot easement. Information is incomplete for trees in the easement and Lot C. Species, stem diameter (dbh) and drip line are all important in order to confirm feasibility of installing drain line without damaging trees. At outfall into Lake Washington no indication of surface vegetation restoration is made, consistent with MICC 19.07.110.E.b. Utilities.

TREE CODE REASONABLE BEST EFFORT (MICC 19.10.010)

Above observations offer evidence that the applicant has not used “reasonable best efforts to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC 19.10.010.” MICCC 19.10.040.B.2. Here, lack of compliance with the “best reasonable effort” standard is illustrated by facts such as:

1. The design retains less than 1/3 of existing site trees, many of which have very high environmental, aesthetic and monetary value.
2. The root zones of the majority of retained trees will be violated by excavation, grading, removal of vegetative cover and hardscape construction within the protected area.
3. Failure to consider adverse impacts to off-site Geological Hazard Area’s trees, vegetation and slopes from continual use of oversize vehicles on a substandard private road with sharp turns and soft shoulders.
4. A specimen Douglas fir at the lower hairpin turn will be vulnerable to wounding, decay and destabilization from being hit by trucks, with possible risk of failure targeting the adjacent residence, occupants and associated site improvements.
5. Incorrect slope measurements yielding no Steep Slopes on a site which is actually approximately 60% covered by 40%+ slopes.
6. Missing and unclear tree documentation, and inaccurate delineation of tree canopies that define tree protection areas.
7. Listing two off-site trees, one boundary tree and one removal as on-site retained trees, effectively reducing the apparent ratio of existing trees removed and retained.
8. Seasonal development limitations (19.10.030)
Although two-thirds of existing on-site trees are proposed for removal and all are located in a Geologic Hazard Area and Protected Slope Area, the applicant has requested a waiver without any “compelling justification” documentation whatsoever

Conclusions:

The applicant has demonstrated in his submittal a pattern of incomplete, misleading and erroneous documentation resulting in non-compliance with Mercer Island development standards described above. If the project proceeds as approved, significant negative consequences for existing trees, vegetation and steep slope stability, and the health and safety of the subject and adjacent properties will result. City officials have performed inadequate and/or inappropriate permit review on several counts and have exhibited lax enforcement of code requirements, at the expense of public health, safety and welfare.

From the standpoint of tree and environmental requirements alone, I believe that the Tree Permit and other relevant permits were issued in error. I believe it is incumbent on City officials to require the applicant to develop design alternatives and mitigation measures through a Critical Area Study before any new permits can be issued.

Thank you for the opportunity to assist you on this project. Please let me know if you need further information, clarification or corrections on any topics covered in this report. You may reach me at (206) 335-6388 or arbutusdesignllc@gmail.com.

Sincerely,



M. Eliza Davidson, Principal
Arbutus Design LLC
Licensed Architect (retired)
ISA-Certified Arborist with Tree Risk Qualification

Attachments:

Figure 1 Steep Slopea and Critical Tree Areas
Figure 2 Existing Trees diagram
Figure 3 Retained Trees diagram
Figure 4 Tree Plan drip line errors
Figure 5 Bald Eagle map and images

From: Ron Leibsohn
To: [Robin Proebsting](mailto:Robin.Proebsting)
Cc: [Bruce Edwards \(flysafe72@gmail.com\)](mailto:Bruce.Edwards(flysafe72@gmail.com))
Subject: BNE_CMI_SEPA_Letter_4634_12_13_18.pdf
Date: Thursday, December 13, 2018 3:51:07 PM
Attachments: [BNE_CMI_SEPA_Letter_4634_12_13_18.pdf](#)

Robin, I am the homeowner at 4566 East Mercer Way. I am writing my comments and objections in the matter off DSG File# SEP18-021 for the property at 4634 East Mercer Way. Attached is a letter sent to you today by my neighbor Bruce Edwards. Bruce is not representing me as my attorney. However, I wish to endorse the comments in the letter of Mr. Edwards as my response, objections and comments to the matter, as if I had written the letter. Please enter this on my behalf in the official record of this matter. Please send by email your confirmation of receipt and action.

Thank you,

Ronald Leibsohn

Ronald Leibsohn
rleibsohn@leibsohn.com
425-890-6737

From: Mark Petrie
To: [Robin Proebsting](#)
Subject: 4634 EMW comments against Barcelo homes poor drainage design.
Date: Tuesday, November 27, 2018 1:15:02 PM
Attachments: [0516_001.pdf](#)

Hello Robin,

I have written my comments in blue above. I ran into Keith from PanGeo before Thanksgiving. His mom and my dad apparently are at the same retirement home in Edmonds. I asked him, "what happened to the plans we came up with to fix most of the drainage issues?" He replied, "I work for Paul and Bogdan and give my recommendations and it is up to them to decide how to proceed". In other words, they are not to be trusted. They seemed happy to try to work with us so as not to cause further issues. And what they submitted is simply not proper, does not mitigate their run-off, and creates more of a problem for our property. We simply cannot allow a mere 6" pipe to be located into a winter stream. It will not be effective and really devalue our property by this proposed elevated small pipe. Plus they want to dump their extra water onto 10' from the shoreline and add a bulky concrete barrier which will much further flood our lowest part of the property when there is a lot of run-off. They plan was to put a barrier to the stream up between Brotherton and Barcelo property, to capture the run-off, then put into a 12-18" pipe to the end of the bulkhead. Then to partially burry where no trees are, then partially cover and put vegetation near it to hide it. Their plan is to do none of this, and get away from doing the right thing, to doing the cheapest and most damaging thing for our property. This cannot be allowed. I know there is the easement on 5' of this side of the property and it is up to them to come up with a mutually acceptable plan. This does not do that. I am happy to come in an meet with you and bring some appropriate engineers along also.

Thanks Robin,

Mark Petrie
CEO

206-286-5508 - Direct
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**CITY OF MERCER ISLAND
DEVELOPMENT SERVICES GROUP**

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
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CITY USE ONLY	
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ENVIRONMENTAL CHECKLIST

PURPOSE OF CHECKLIST

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

PRE-APPLICATION MEETING

A pre-application meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

Please note: pre-application meetings are held on Tuesdays, by appointment. To schedule a meeting, submit the meeting request form and the pre-application meeting fee (see fee schedule). Meetings must be scheduled at least one week in advance. Applicants are required to upload a project narrative, a list of questions/discussion points, and preliminary plans to the Mercer Island File Transfer Site one week ahead of the scheduled meeting date.

SUBMITTAL REQUIREMENTS

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- A. **Completed pre-application.**
- B. **Development Application Sheet.** Application form must be fully filled out and signed.
- C. **Development Plan Set.** Please refer to the development plan set "tip sheet" in preparing plans.
- D. **Title Report.** Less than 30 days old.
- E. **SEPA checklist.**

A. Background [help]

1. Name of proposed project, if applicable: [help]
4634 E Mercer Way SFR

2. Name of applicant: [help]
Studio 19 Architects
Attn: Steven Long
2017 1/2 1st Ave S, #300
Seattle, Washington 98104

3. Address and phone number of applicant and contact person: [help]
Address: 2017 1/2 1st Ave S, #300
Seattle, Washington 98104
Phone number: (206) 466-1225

4. Date checklist prepared: [help]
10.15.18

5. Agency requesting checklist: [help]
City of Mercer Island

6. Proposed timing or schedule (including phasing, if applicable): [help]
Construction will commence upon final permit approval from the City of Mercer Island. The project will take approximately ten to twelve months to complete.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [help]
No plans for future additions, expansion, or further activity currently exist.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [help]
Wetland Resources, Inc. has prepared a critical areas assessment for this project titled *Critical Area Study for Four Season Homes, LLC - 4634 E Mercer Way SFR*. A geotechnical assessment has been prepared by PanGeo, Inc., titled *Geotechnical Engineering Study (Revised) Proposed Development 4634 E Mercer Way, Mercer Island, WA*.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [help]
No applications are pending for governmental approvals of other proposals directly affecting the subject property.

10. List any government approvals or permits that will be needed for your proposal, if known. [help]
The project will require a building permit, issued by the City of Mercer Island, and Hydraulic Project Approval (HPA), issued by the Washington Dept. of Fish and Wildlife (WDFW).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [help]
The applicant proposes to clear and grade the existing subject property, and to construct a single-family residential structure. The proposal includes an access driveway, retaining walls, and connections to existing utility infrastructure. An above-ground pipe will convey stormwater generated within the subject property towards an outfall structure located in the vicinity of Lake Washington.

Petrie's do not approve

*of a 6" above ground pipe in a seasonal class III Stream
Petrie's Do NOT approve dumping of applicant's storm water onto
our property. They must dump directly into Lake Washington!*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The subject property is located at 4634 E Mercer Way, in the city of Mercer Island. Access is from a private driveway off of E Mercer Way that serves several existing single-family residences.

The Public Land Survey System locator for the property is Section 18, Township 24N, Range 5E, WM.

The King County tax ID number is 7558700008.

The legal description, as described by the King County Assessor, is: SANDY BEACH TRS UNREC LOT B CITY OF MERCER ISLAND SHORT PLAT 76-12-036 REC #7701060821 SD SP DAF - LOTS 1-2 & 3

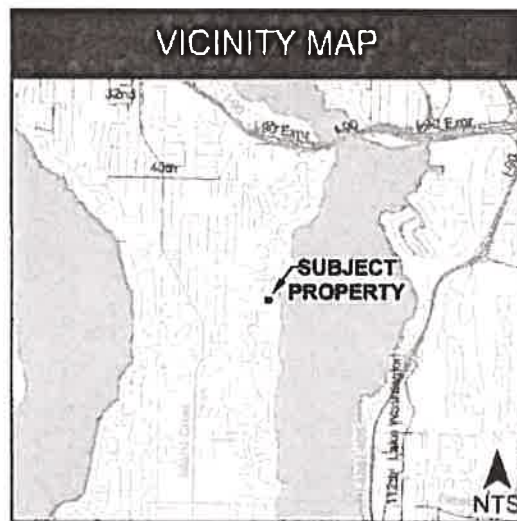


Figure 1: Vicinity Map



Figure 2: Site Topography (Data Source: King County 3x3 Digital Elevation Model)

B. Environmental Elements [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

A small portion of the site exceeds 40 percent slope.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

One mapped soil type encompasses the entire subject property: Kitsap silt loam.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

The site is mapped within a potential landslide hazard area. Based on the PanGeo reconnaissance, no obvious evidence of slope instability or ground movement was observed. According to the PanGeo report, the subject site appears to be globally stable in its current configuration.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

Excavation and grading are necessary to complete the project. No fill is needed. Excavation was estimated as 1,400 cubic yards. The total affected area is approximately 8,000 square feet. *Hundreds of truckloads needed to haul trees and soil away from site damaging private road.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Erosion could occur as a result of clearing, construction, or use. *And severe damage to our property*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

Approximately 6,000 square feet of the 21,375 square-foot parcel will be covered with impervious surfaces (~28%).

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Erosion and sediment controls are described on sheet 2 of the TESC Plan prepared for this project. Protective measures include well-defined clearing limits, limited construction vehicle access, silt fencing, covering exposed soils, storm drain inlet protection, and proper disposal.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Emissions release during construction, operation, and maintenance is limited to vehicle exhaust and particulate release, and that which is associated with normal single-family residential use. These emissions to the air are considered insignificant.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

Off-site emissions or odors are limited to the normal process of manufacturing and transporting building materials.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [help]
No specific measures are proposed to reduce or control emissions.

3. Water [help]

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [help]

The project occurs in the vicinity of a seasonal stream channel that flows east towards Lake Washington. The project also occurs in the vicinity of Lake Washington. The stream appears to flow only during heavy precipitation events, as evidenced by a narrow braided channel that flows through English ivy.

abouts this stream and is on this property.

This project directly

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [help]

The project requires one crossing of the aforementioned seasonal stream channel. An ABS stormwater pipe will be elevated from the ground surface in the vicinity of the watercourse using pipe collars. This approach will limit impacts to stream function.

Too small of pipe to handle 100 year Flood Plan and will dump water onto the lowest point on our property.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [help]

No fill or dredging of wetlands or waterbodies is proposed. ?

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [help]

This project will not require surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [help]

The proposal is located outside of the 100-year floodplain. ?

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [help]

The proposal does not involve discharge of waste materials to surface waters. Stormwater generated from impervious surfaces within the subject property will be discharged in the vicinity of Lake Washington.

onto Petrie property as currently proposed.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [help]

This project will not result in groundwater use for drinking or other purposes.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [help]

This project will be connected to the municipal sewer system.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [help]

Stormwater runoff will be collected and routed via subsurface drainage to the southeast portion of the developed area. Approximately 35 to 40 feet from the aforementioned seasonal watercourse, the pipe daylights. The above-ground pipe travels for approximately 300 feet to the east towards Lake Washington. A 3'x8' outfall pad will dissipate flows, approximately 10 feet from a bulkhead that defines the ordinary high water mark of Lake Washington. *Petrie's reject this dumping of run-off water onto our property.*

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [help]
Waste materials will not enter ground or surface waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [help]

Existing drainage patterns are in the form of sheet flow to the south and east, towards the seasonal channel and Lake Washington. This proposal alters drainage patterns by collecting and conveying the developed drainage and surface inflow generated within the project area (~6,000 square feet) directly to Lake Washington. *Directly? See above statement. Pipe is way too small and needs to go directly into Lake Washington*

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [help]

The drainage plan was developed using the City of Mercer Island adopted standards which includes the Department of Ecology's Stormwater Manual for Western Washington. The project's drainage control system consists of both subsurface and surface collection methods (i.e. footing drains, area drains, roof downspout collection, etc.). After collection, the controlled discharge will be via a tightline pipe to Lake Washington. Upon completion of the project the potential for drainage related issues, that may have impacted downstream properties, will be eliminated or significantly decreased. *HAN*

4. Plants [help]

- a. Check the types of vegetation found on the site: [help]

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? [help]

Vegetation removal will occur in a mixed deciduous/coniferous forest with a relatively dense understory consisting of native shrubs and groundcover.

- c. List threatened and endangered species known to be on or near the site. [help]

No known threatened or endangered plant species are known to be on the site. Threatened and endangered Chinook and bull trout are known to occur in Lake Washington. The on-site stream does not provide habitat for threatened/endangered species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

No preservation or enhancement measures are proposed.

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

The site contains English ivy, holly, and Himalayan blackberry.

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: squirrels, raccoon

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

No threatened or endangered terrestrial or avian species are known to be on or in the immediate vicinity of the site.

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The project is within the Pacific Flyway, which is a migratory route for many avian species.

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

No wildlife preservation or enhancement measures are proposed.

e. List any invasive animal species known to be on or near the site. [\[help\]](#)

No known invasive animal species are present on the site.

6. Energy and Natural Resources [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

The project will use electricity and natural gas, for heating and cooking.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe. [\[help\]](#)

The project is located in a coniferous/deciduous forest, and will not affect potential use of solar energy by adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

No specific energy conservation features are included in the plans of this proposal.

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe. [\[help\]](#)

No specific environmental health hazards are likely to occur as a result of this proposal.

1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

The applicant is unaware of any known or possible contamination at the site.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

No existing hazardous chemicals/conditions are proposed.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

No toxic or hazardous chemicals are likely to be store, used, or produced during the project's development, construction, or during the operating life of the project.

4) Describe special emergency services that might be required. [\[help\]](#)

Special emergency services are not anticipated to be required.

5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

No environmental health hazard reduction or control measures are provided.

b. Noise [\[help\]](#)

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Normal noise associated with single-family residential use exist in the the area. They are not expected to affect the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Short-term noise includes the operation of multiple pieces of machinery at the same time, during normal working hours. Long-term noise would consist of normal types and levels associated with single-family residential use.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

No measures are propped to reduce or control noise impacts.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The site is currently undeveloped land. Single-family residential use occurs on all sides. The proposal will not impact current land uses on nearby or adacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The project site has not been used as working farmlands or working forest lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting?

If so, how: [\[help\]](#)

No working farms or forest land surround the site.

c. Describe any structures on the site. [\[help\]](#)

No structures currently exist on the site.

d. Will any structures be demolished? If so, what? [\[help\]](#)

No structures will be demolished.

e. What is the current zoning classification of the site? [\[help\]](#)

The site is zoned R-15.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

The comprehensive plan designates the site for single-family R-15 use.

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

The portion of the project that is within the shoreline area is classified as Urban Residential.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

The aforementioned seasonal stream channel has been identified as a critical area (Type 3 Watercourse) by the City.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

One family will reside in the completed project.

j. Approximately how many people would the completed project displace? [\[help\]](#)

No people will be displaced by this project.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

No measures to avoid or reduce displacement are proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

Based on the surrounding land use, and consistency between current zoning and the comprehensive plan designation, it appears that this proposal is compatible with existing and project land uses.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

No measures are proposed to ensure compatibility with nearby agricultural and forest lands of long-term commercial significance.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

This proposal will create one high-income unit.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

This proposal will not eliminate any existing units.

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

No measures to reduce or control housing impacts are proposed.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

The structure is 28 feet above grade (on average). The structure is not more than 30 feet tall at any given point.

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

The property is densely forested. Any view alterations or obstructions would be minimal.

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

No measures to reduce or control aesthetic impacts are proposed.

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

Light and glare will occur consistent with single-family residential development; interior lights and outdoor flood/security lights will be primarily used after the sun goes down.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

Light or glare from the finished project is not expected to create a safety hazard or view obstruction.

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

Off-site sources of light or glare are not expected to affect the proposal.

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

No measures are proposed to reduce or control light and glare impacts.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

No designated or informal recreational opportunities are in the immediate vicinity of the project.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

The project would not displace any legally existing recreational uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

No measures to reduce or control impacts on recreation are proposed.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

No structures over 45 years old are located on the site. It is not known if such structures exist near the site that are 45 years old or older.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

There are no known landmarks, features, or other evidence of Indian or historic use or occupation within the subject property. No material evidence, artifacts, or areas of cultural importance are known to exist on or near the site. No professional studies have been conducted at the site to identify such resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

No formal assessment or consultation has been conducted in support of this project related to cultural and historic resources.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [help]

No avoidance, minimization, or compensation measures for loss, changes, or disturbance to resources are proposed for this project.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [help]

The site is accessed via private road off of E Mercer Way. Access to the site is from the private road. The access point is clearly shown on project site plans. Pictures show access road currently showing

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [help]

Public transit generally requires an approximately one-mile walk to Island Crest Way and SE 54th Street.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [help]

The proposed project will create two parking spots. The project will not eliminate any parking spots.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [help]

No improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities are proposed.

e. Describe the existing condition of the proposed access road, including width of easement, width of pavement or roadway, curbs, gutters, and/or sidewalks.

The proposed access road is a private road with no curb, gutters, or sidewalks. The width of the easement is not known. Pavement width is approximately 13 feet.

f. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [help]

The project will not occur in the immediate vicinity of water, rail, or air transportation.

g. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [help]

The completed project will generate four vehicle trips per day, based on personal communication with Mercer Island planning staff.

h. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [help]

The proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products, as no agricultural or forest products are regularly transported on E Mercer Way.

i. Proposed measures to reduce or control transportation impacts, if any: [help]

No measures are proposed to reduce or control transportation impacts.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [help]

The project will result in a slightly increased need for public services, due to the creation of a new single-family residence.

b. Proposed measures to reduce or control direct impacts on public services, if any. [help]

The newly created residence will increase tax base, which will reduce direct impacts on public services.

16. Utilities [help]

a. Circle utilities currently available at the site: [help]

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other Internet

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [help]

Electricity, natural gas, water, refuse service, sewer will be provided by Seattle Public Utilities. Natural gas will be provided by Puget Sound Energy. Telephone and internet will be provided by Comcast. General construction activities on the site are typical of standard utility connection efforts for new single-family residences.

C. Signature [help]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Name of signee Paul Maksimchuk

Position and Agency/Organization Four Seasons Homes LLC

Date Submitted: 11/9/18

From: Anil Shrikhande
To: [Robin Proebsting](#)
Cc: [Evan Maxim](#); [Holly Shrikhande](#)
Subject: Public Notice 4634 East MercerWay
Date: Thursday, November 29, 2018 2:02:24 PM

Hi Robin,

We received the newest "Public Notice of Application" SEP18-021 request for SEPA Threshold Determination and have some questions for you. Do you have any time on your calendar [tomorrow at 1](#) pm PST or later? Or if not then, when could you talk to us? Some of the items we would like to go over with you are below:

1. Our greatest concern for this project is that our property is not impacted by the construction of this house. We want assurance that the plans take into account any risk of slides or movement of our property due to the construction and significant tree removal. As we have reminded the city there has been a slide near the watercourse, and the earth has moved down at least a [3/4 inches from the street](#) as evidenced by the dangerous drop off at the street just south of our house in the last 15 years.
2. What is the most likely scenario for the start of the project? The Construction Plan says trees would be cut down starting Nov 30? We would like to be informed in advance when the clearing is going to be done, if possible. How do we make sure that happens?
3. We noticed the plan calls for water line installation on our property from the right of way and that involves taking our stone steps out. This must involve workers in our driveway which is short and steep and as such dangerous without supervision. Our internet/cable/telephone lines pass under the steps and there is lighting and irrigation as well there and in the garden coming down from the road. These steps are our only outside access to the lower yard. Is there any way to leave the steps and move one foot north with the line? These are extremely heavy large granite stone blocks. We would like to know the timeline of the work so we can plan - what they will be doing and where in our yard and on our short steep driveway and know they will replace the garden/ steps as they were. Example - day one, day two etc. Also, we need to know in advance when this will happen so we can plan to be home and who to contact if they sever a line or there is an issue.
4. What is the exact height restriction of the new house? We saw 30' but there was also a reference to 5' for the roof? Who determines and ensures where this measurement point is located and strictly adhered to? Is there a way to understand how our view will be impacted prior to construction?

Anil & Holly Shrikhande

4630 East Mercer Way

Anil 206 755 0247
Holly 206 455 5672

Sent from my iPad

From: Thomas Trumble
To: [Robin Proebsting](#)
Cc: [Jeff Davis](#); [Sara Jensen Trumble](#)
Subject: File # SEP18-21
Date: Sunday, November 18, 2018 10:27:02 PM
Importance: High

Hi Robin:

Our neighborhood sensuously objects to a new massive development. The soils in our area are very unstable. We have erosions along the embankments. The roads cannot handle the additional truck traffic and loads. The additional stormwater crossing will cause huge environmental damage. Already in a community adjacent to us there is a major erosion project in place. This is a very poorly designed construction.

Thank you

Tom and Sara Trumble'
4602 East Mercer Way
Mercer Island, WA
98040

206 947-4120

From: Gerald Yuen
To: [Robin Proebsting](#)
Subject: Comments on SEPA Threshold Determination SEP18-021
Date: Thursday, December 13, 2018 11:56:48 PM
Attachments: [BNE_CMI_SEPA_Letter_4634_12_13_18.pdf](#)

Hi Robin,

I'm Gerald Yuen and my family resides in 4624 E Mercer way. I'm writing in regard of the construction proposal of 4634 E Mercer Way. We are in full agreement of Bruce's comments on the project and sincerely urge that the City reconsider the detrimental impact of a grossly oversized house that will most certainly affect my family's and neighbors' quality of life for years to come.

Sincerely,
Gerald