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**CITY OF MERCER ISLAND**

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July 11, 2018

Sang Hou  
7022 E Mercer Way  
Mercer Island, WA 98040  
[shoumkle@gmail.com](mailto:shoumkle@gmail.com)

*Sent: via email*

RE: Review Comments for File No. CAO17-010 – Hou Critical Areas Determination  
4825 E Mercer Way, Mercer Island, WA 98040; King County Tax Parcel # 216200-0070

Dear Mr. Hou:

The City of Mercer Island has reviewed the above referenced application for a critical areas determination for the property located at 4825 E Mercer Way (King County parcel # 216200-0070). City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC) and to continue processing the application.

The city has concluded its review on the proposed critical area ratings, buffers, and mitigation. The following comments are a result of the review.

1. According to your consultant, Wetland A is rated a Category III wetland based upon its position on a slope. The city does not agree with the rating of Wetland A because the rating form does not recognize the presence of mature forest or riparian priority habitat types within 330 feet of Wetland A as required in Habitat Section 2.3. The rating form should be revised to include these priority habitat types in addition to those already listed. The rating form also indicates that the rating was completed on October 19, 2006, which does not reflect Talasea's more recent site visit on 2017. The rating forms should be updated based on the 2017 site visit or a more recent site visit.
2. Please indicate on plans where any utilities, including drainage, will be located in a critical area or its buffer. Please demonstrate how the critical area will be protected from the utility and how impacts will be mitigated.
3. According to MICC 19.07.070.b(3)(c) the total area contained in the averaged buffers cannot be decreased below that total area that would be provided if the maximum width were not averaged. The legend on Sheet W1.1 of the mitigation plan indicates that area of stream buffer reduction is 354 square feet and the area of stream buffer replacement is 333 square feet. Since the area of stream buffer reduction is more than that area of buffer replacement the mitigation plan is not in compliance with code requirements. In addition, the stream buffer replacement area proposed is not contiguous with the stream itself and therefore

does not contribute to function and values. Instead, the area of stream buffer replacement is located within the buffer of Wetland A and likely provides benefits to the wetland's buffer. Please provide stream buffer replacement contiguous to the stream.

4. The proposed woody shrub plantings in the eastern portion of the buffer enhancement area for stream buffer reduction mitigation will be planted approximately 34 feet from Stream 1 at the southern edge of the buffer, bordering the proposed house. The placement of woody shrub plantings at this distance will not significantly contribute to improving stream functions. In addition, proposed plantings for the remaining portions of the buffer enhancement area are sparse and limited in number. ESA does not believe that the proposed buffer enhancement would provide adequate mitigation for impacts from buffer averaging, as these features would not significantly improve ecological functions of the stream.
5. Impacts from the buffer reduction of Wetland A are not being mitigated for entirely consistent with MICC 19.07.070(B)(2) because the mitigation plan proposes a three-year monitoring period in addition to removal of noxious weeds and replanting with native vegetation. Per MICC 19.07.070(B)(2)(b)(iii), a five-year monitoring period is required with removal of noxious weeds and native plantings. Please update your proposal to require a five-year monitoring plan.
6. The wetland and watercourse buffers shall not be reduced within the drip lines of trees 916 and 917 which provide habitat benefits (e.g. shading, organic inputs, etc.) to the wetland and watercourse. Please add the drip lines of these trees to the plan sheets.

The following comments are not directly related to the Critical Area Determination, however, the information resulting from these comments will inform the design of the entire project. It is advised that you consider the following review comments and contact the relevant staff for further discussion. Addressing these issues now may prevent subsequent delays and may prevent the need to apply an additional Critical Area Determination if subsequent revisions at the building permit review stage cannot be accommodated by an approval that could result from this current review.

7. In a recent telephone conversation with Mr. Skall he mentioned that he previously was granted permission to provide a driveway that did not meet the required width and slope requirements. The previous review of this property occurred over 10 years ago. Both building and fire codes change approximately every 3 years. Considering this, regulations that applied to the project during the previous review likely no longer apply. Please do not assume you will be granted exceptions to the driveway standards or any other standards. Please contact Herschel Rostov, Fire Marshal, to discuss driveway standards.
8. In the same telephone conversation mentioned in item #6 above, Mr. Skall stated that the applicant may not be willing to construct the pin pile driveway designed to protect the 80-inch fir tree as proposed by the project arborist. The 80-inch fir tree is protected by MICC as an exceptional tree. Tree protection will be required, including construction of the driveway as proposed by the arborist, unless the project arborist provides other protection measures that are equal to or better than currently proposed as determined by the City Arborist. Please contact John Kenney, City Arborist, to discuss tree protection.
9. In your letter addressed to the City dated June 4, 2018, you provide a general approach to construction management as requested by the City. Thank you for this information. There

are some concerns with this response. The plan states that construction activities will begin with the construction of a soldier pile wall along the south side of the property. The arborist report states that the pin pile driveway shall be constructed before other construction activity occurs to prevent injury to the 80-inch fir tree. If the soldier pile wall is constructed first, how will the tree roots be protected during construction of the wall? How will equipment to construct the wall be brought onto the site without a driveway in place? The plan also states that utility installation will be south of the proposed driveway. For tree protection, the driveway will be required to be set back as far as possible from the tree. Also, the driveway will likely be required to be at least 16-feet wide, consuming much of the area between the property line and the tree protection area. Considering these requirements, utilities will likely be located underneath the driveway. Where will utility installation equipment be staged before the driveway is installed providing access to a staging location outside the tree protection area? Will hand tools be used for utility installation to avoid impacts that may result from large equipment?

If the applicant fails to provide the required information within 90 days from the date of this request for information, the application shall lapse, and become null and void. Questions particular to the provided comments may be directed to the above specified reviewers or to me by phone at 206-275-7719 or via e-mail at [nicole.gaudette@mercergov.org](mailto:nicole.gaudette@mercergov.org).

Sincerely,



Nicole Gaudette, Senior Planner  
City of Mercer Island Development Services Group