**Applicant Response to:**

**Request for Information #1 for File No. SUB21-006, CAO21-004, SEP21-022 – Milestone Short Subdivision**

**7621 SE 22nd ST, Mercer Island, WA 98040; King County Tax Parcel # 531510-184**

**Response Numbers and letters refer to City of Mercer Island request for information dated 3/11/22**

General:

1. When resubmitting, please submit a response letter to address each review comment. Please also state

where the proposed changes can be found (i.e. sheet number, document name, etc.).

2. When resubmitting electronically to the SFTP website, please make it clear in the file name that the

resubmittal is for all 3 associated land use applications and notify the Permitting Staff at

[epermittech@mercerisland.gov](mailto:epermittech@mercerisland.gov).

**Applicant Response: 1. Noted**

**2. Noted**

Fire comment:

Contact: Jeromy Hicks, Fire Marshal, at Jeromy.hicks@mercerisland.gov or 206-275-7979.

3. Please add the following note to the plat:

"All buildings are subject to meeting the current fire code requirements at the time of permit

submittal. Access shall be provided as outlined in the International Fire Code Appendix D as

adopted and/or amended and MICC 19.09.040. Fire plan reviews will be conducted at the time

of building permit submittal and may require additional fire protection systems and/or fire

prevention measures for permit approval.”

**Applicant Response: The Note was added to the Preliminary Short Plat Map**

Land Use Planning:

4. Building Pad:

a. Please illustrate and label the three (3) building pad areas that comply with MICC 19.09.090. In

general, the building pad excludes setbacks and avoids and minimizes impacts to the following:

trees, vegetation, topography, and critical areas (geohazards and buffer averaging area).

b. Please have your Geotechnical Engineer review the proposed building pad locations and indicate

compliance with MICC 19.09.090(A)(2)(c)(i-iii) in a follow-up letter or report addendum.

**Applicant Response:**

1. **Building Pads were added to the Site Plan and all Civil Plan Sheets show locations of proposed houses. Note: Lot 2 is shown as if the reduced wetland buffer is not granted and tree 15 is removed.**
2. **Geotechnical Engineer has reviewed, and addendum is attached to report**

5. Geotechnical:

a. Indicate compliance with MICC 19.07.160. This includes providing a statement of risk consistent

with 19.07.160(B)(3)(a-d).

b. Geotechnical Report on page 4 references “the City of Bellevue Municipal Codes” – please revise

to state the City of Mercer Island.

c. Note: after the city has received building pad locations and the requested geotechnical

information, our Geotechnical Engineer will perform a peer review. These comments have not

included Geotechnical Engineering review.

**Applicant Response:**

1. **Statement of Risk is included in the Geotechnical Addendum**
2. **Geotechnical Report has been corrected**
3. **Noted**

6. Easements:

a. Clearly list existing easements to remain, be altered/extinguished, and proposed easements.

Include the recording numbers for existing easements.

**Applicant Response:**

1. **The easements were added and a separate sheet has been included (Sheet 6) for clarity. Note there is no recording number for the private 20’ ingress egress and utility easement on the eastside of the property. It is noted on an unrecorded short plat filed with the City of Mercer Island and in the deed recorded on July 26, 1976 recording number 7607260305**

7. Type F Watercourse:

a. Provide an updated critical areas study with the revised project scope proposing buffer

averaging. The critical areas study shall indicate compliance with MICC 19.07.180(C)(4) buffer

averaging, MICC 19.07.100 mitigation sequencing, and 19.07.180(E) mitigation requirements.

This includes demonstrating that the proposed impacts have been mitigated and will not result in

a loss of ecological function.

b. Please note that there are setbacks from the edge of the buffer. Refer to MICC 19.07.180(C)(7)

and (8).

c. Provide an updated plan set that illustrates the buffer area to be averaged and include a

mitigation plan.

d. After the city has received this requested information, ESA the city’s environmental consultant

will review the project, complete a site visit, and prepare a memo.

**Applicant Response:**

**a. Critical aera study has been revised to remove buffer averaging.**

**b. Setbacks from buffer are shown on Preliminary Short Plat Map, in lieu of buffer averaging applicant is requesting a reduced buffer setback for a portion of the eastern façade of the house to be constructed on lot 2. The setback from the required 10’ would be reduced to 5’ for approximately 15 feet of this façade. This reduced setback is justified in the revised Critical Area Study dated 5-18-22 from Altman Oliver and Associates.**

**c. Applicant is no longer requesting buffer averaging**

**d. Noted**

8. SEPA Review:

a. Revise the project description to include the proposed Type F watercourse buffer averaging.

**Applicant Response: Buffer Averaging has been eliminated from the short plat. Project Description has been modified to request a buffer setback reduction**

9. General:

a. Provide the following for Lots 1-3:

a. Net lot area

b. Maximum allowed lot coverage

c. Maximum allowed gross floor area

d. Lot width and depth

b. Provide a narrative on how the project complies with the following:

i. MICC 19.08.020(D)(1)(a-c).

ii. MICC 19.09.040 private access roads and driveways.

1. Per 19.09.040(B) all private access roads serving two single-family dwellings shall

be at least 16 feet in width, with at least 12 feet of that width consisting of

pavement and the balance consisting of well compacted shoulders.

c. Please include the land use file number, “SUB21-006 Milestone-WCMI LLC”, on the plan set.

d. Please refer to the King County Wastewater Treatment Division letter and email from the LPA

Team the city has received attached. The LPA Team has requested the following:

*iii.* Please illustrate King County’s sewer on the sewer plan and include a profile view of the

proposed sewer connection. Label the size of the sewer shown on the plans.

*iv.* Please confirm if the proposed connection to the 8” local sewer.

**Applicant Response:**

**a. Net lot area has been added to lot 2. The 19 foot difference between gross and net reflects the reduction of 19 sf for a part of the shared drive on lot 2 which benefits lot 1. No reductions from gross area are required on lots 1 or 3.**

**b. Table provided on Preliminary Short Plat Map**

**c. Table provided on Preliminary Short Plat Map**

**d. Mid Point lot width and depth are provided for each lot on Preliminary Short Plat Map**

**i. The application complies with MICC 19.08.020(D)(1)(a-c) as The proposed subdivision makes appropriate provisions for public health, safety, and general welfare by providing adequate infrastructure to support future development.****The site is listed as bus transportation for elementary, Northwood, Islander Middle School and Mercer Island High School. The shoulders of SE 22dn Street provide safe walking paths to all bus stops which are, 880, 350 and 250 feet away from the site***.*

**Goal 2.7 of the Housing Element of the City’s Comprehensive Plan states that the City should “Encourage infill development on vacant or under-utilized sites that are outside of critical areas and ensure that the infill is compatible with the scale and character of the surrounding neighborhoods.” The proposed subdivision is located in a single-family residential zone with adjacent single-family residential uses on three sides and the King County Sewer lift station to the east. The proposed short subdivision would foster infill development on a site with adequate lot area outside of critical areas. The proposed development is single-family and proposed a density that is commensurate with existing development in the vicinity. Therefore, the public use and interest will be served by approval** of the project due to compliance with the **comprehensive plan, growth targets, and coordinated growth***.*

**ii. The proposed short plat complies with *MICC 19.09.040 private access roads and driveways.* Lots 1 and 2 are served with a joint access drive which is 16 feet in width and will have 12’ of paving with 2’ of compacted shoulders on each side. Lot 3 is served through an existing 20 ingress and egress easement which was granted when the property was short platted in 1976. There is one other house that shares the driveway with lot 3. The existing drive is composed of 12’ of paving and 2 feet of compacted shoulders on either side. The neighbor has requested that we increase the paved width of the existing drive to 14 feet, and we have agreed to this increase. The net result, if approved, will be 14’ of paving and 2 one-foot shoulders on either side of the access drive.**

**c. SUB21-006 Milestone-WCMI LLC has been added to each of the plan sheets**

**d. The reference to King County’s sewer on the sewer plan has been added and the profile view has been shown. The size of the sewer has been listed on the plan sheets**

**. The size of the sewer shown on the plans.**

*iv.* Please confirm if the proposed connection to the 8” local sewer. **Confirmed**

Civil Engineering:

Contact: Ruji Ding, Senior Development Engineer, at ruji.ding@mercerisland.gov or 206-275-7703.

10. Easements:

a. Please clearly distinguish the existing easements within the plan set.

b. Clearly distinguish the private easements from public easements within the plan set.

c. Note the recording numbers for all existing easements within the plan set.

**Applicant Response:**

**a. A separate sheet has been added to show existing and proposed easements. There are no existing easements on the property. Only the ingress egress to the east which benefits this property and was created with the original short plat.**

**b. There are no public easements on the plat. Private easements are shown on the plan sheets and separately on Sheet 6.**

11. Please provide a plat map only showing the old lot lines with bearings and distances, an all existing

easements and proposed easements.

**Applicant Response: A separate Sheet 6 has been added showing original lines and the adjacent 20’ easement**

Trees:

Contact: John Kenney, City Arborist at john.kenney@mercerisland.gov or 206-275-7713.

12. (For Architect from Pre application meeting/Intake) Tree 13 is exceptional and dripline is not

shown according to Arborist report. A 16’ dripline to the north should be shown. Also see the

Arborist’s Limits of allowable disturbance that must be shown on the plans and updated for all

trees. If these limits are encroached upon the tree would be considered damaged and possibly

removed. Unless an Arborist supervised, and controlled air excavation root analysis is conducted

and finds different results. Example, exceptional tree 1 is shown 2’ from a building pad. This tree

would need to be removed as shown and would need justification per MICC19.10.060.3. Or move

the building pad with at least 5’ surrounding the building pad for access.

**Applicant Response: Drip line for tree 13 has been amended to 16’. Allowable disturbance has been added for all saved trees. A note has been added to the Preliminary Short Plat Map stating that “n Arborist to be on site for Excavation of foundations Excavation” Tree number 1, as drawn, is 5’ 8” from the face of the tree to the foundation of the house**

13. (For Civil from Intake) See checklist for tree protection plan. Use Arborist report to complete

plan. Create tree protection plan with dripline of all trees even those proposed for removal.

https://www.mercerisland.gov/sites/default/files/fileattachments/community\_planning\_amp\_d

evelopment/page/21988/treessubmittalchecklist.pdf

**Applicant Response: A separate tree sheet with drip lines, Number 7, has been added for clarity**

14. (For Landscape Architect from Intake) A preliminary replanting plan is recommended at this time

to confirm replacements can be fit on the property. It will be required at the time of building. At

least half of the trees need to be Pacific Northwest native. The trees need to be at least 10' apart

from each other, structures, fences, and utilities. If you can show no room exists on site for all the

required trees, the remainder can be a fee in lieu. A request form must be completed and

approved for this option. 6 replacement trees will be required for all exceptional grove trees.

**Applicant Response: We are still revising plans for the houses and would preferer to wait until final designs are done to provide a planting plan. The current footprints show the maximum GFA allowed within the confines of tree retainage and setbacks. ( Lot 2 cannot meet the maximum allowed GFA without removal of additional trees beyond what is shown in the request) The current proposal shows the removal of 3 exceptional trees within the grove. (Numbers 12, 14 and 15) and 2 additional significant trees for a total replacement of 24 trees. We have done a preliminary analysis of the site with the current footprints and there appears to be enough room onsite for the 24 additional trees with 10’ spacing.**

15. You will be required to save 30% of all large regulated trees and any exceptional trees over 24” in

diameter. Please provide a plan with these trees indicated along with their Arborist given

driplines.

a. Show the different options for lot line placements that retain the largest number or best

suitable for retention exceptional trees. Is an east/west or north/south configuration

best for tree retainage?

b. Determine the allowed setbacks and maximum gross floor area for each lot and configure

the building pad to best avoid any exceptional trees and retain 30% of large trees (what

building can fit without encroaching into exceptional trees dripline). You may need to

modify the traditional rectangle building pad to accommodate for exceptional trees

dripline.

c. You must make the case in a narrative and plan showing you have followed these steps.

d. You may only remove the exceptional tree after this exercise takes place and you find

retaining the tree would limit the constructible gross floor area to less than 85% of the

maximum gross floor area per MICC19.10.060.

e. Trees must be protected at Arborist given limits of allowable disturbance. Building pads

must have a 5’ buffer to access and construct the building. As an example, placing a

building pad 2’ away from a tree will result in the tree being damaged and removed.

**Applicant Response:**

**a. We have explored the configuration of the lots and houses extensively and the configuration proposed allows for the greatest retainage of existing trees. Other configurations result in more trees being removed and further reductions in lot count ( example: a joint use driveway serving all three lots coming from SE 22nd would preserve tree number 12 but would reduce the net area of one of the lots to below the minimum size to be a legal lot) Per our agreement with the adjacent owner and potentially by the language of the easement , we are only allowed to access one additional lot from the adjacent drive. This eliminates a lot configuration that would segregate the property in a more east west configuration and regardless does not save any additional trees.**

**b-d. We have determined the maximum GFA for each lot and corresponding building pads for each lot and they have been configured to retain the maximum number of trees. As currently proposed, we are saving 79% of the significant trees. We are proposing to remove one tree from lot 1, one tree from lot 3 and three trees from Lot 2. The Lot 2 building pad is impacted by grove trees 15 and 14. The retention of tree 15 in the absence of requested relief from the buffer setback will result in a reduction of the GFA for the lot to 81% of the maximum allowed. The retention of tree 14 further reduces the maximum GFA.**

**It is possible to save tree 15 but only if relief is granted to the building setback from the wetland buffer. We have requested this relief and if granted we propose to save tree 15. Please see attached Tree option sheets A-1 to B-2 for analysis of the various scenarios.**

**Lot 3’s access is impacted by grove tree number 12. The access for the driveway for lot 3 requires the removal of exceptional grove tree number 12. The access could be moved to the southern side of the lot, but this would result in an unsafe conflict with the neighbor’s driveway. The removal of this tree is justified under** MICC19.10.060 3.a. “Retention of an exceptional tree(s) with a diameter of 24 inches or more will result in an unavoidable hazardous situation”

e. All building pads have been adjusted to have a minimum 5’ buffer to retained trees.