



CITY OF MERCER ISLAND, WASHINGTON

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December 26, 2017

G. Richard Hill
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701 5th Avenue, Suite 6600
Seattle, WA 98104-7006

Re: Your client, Bill Summers of MI Treehouse, LLC
RUE CAO 15-001
5637 East Mercer Way, King County Parcel No. 192405-9312

Dear Rich:

I am writing in response to your letter and Exhibits A through F, dated December 18, 2017, regarding your client's Modified Proposal for a Reasonable Use Exception for the above-referenced property.

To paraphrase, the Modified Proposal is to relocate the house and associated improvements easterly on the property within approximately 18 inches to 5 feet from the easement on the property. The Modified Proposal requires a zoning variance for the revised house footprint location, and it avoids the need for a critical areas determination to alter the steep slope. To confirm, the Modified Proposal is consistent with one of alternatives identified by the City for further review in the project Determination of Scoping / Environmental Impact Statement.

We appreciate your client's Modified Proposal and consider it to be an important and significant step in the right direction for this project; however, more information is needed for the City to complete its review process. To date, the applicant has yet to provide sufficient information supporting the design, including the Modified Proposal. Without sufficient supporting information, the application, while representing an improved design, most likely will not withstand the scrutiny expected from the Hearing Examiner and any possible appellants (*i.e.*, the neighbors, who have already raised concern). The following should be addressed before the City is in a position to recommend withdrawal of the SEPA Determination of Significance and recommend approval of the Reasonable Use Exception (RUE):

- A. Geotechnical / civil (drainage) engineering.** The geotechnical information submitted to date does not sufficiently address the erosion and sedimentation in the downstream corridor resulting from the subject site. The geotechnical materials indicate that drainage will be “tightlined into the stormwater system.” The referenced stormwater system is the watercourse that flows easterly to Lake Washington, and, anecdotally, is experiencing erosion and sedimentation problems that may be exacerbated by the proposed development. Additional analysis is required of current erosion and sedimentation within the watercourse, and possible impacts resulting from this project, accompanied by design changes intended to mitigate any identified impacts.
- B. Wetland / watercourse impacts.** The wetland / watercourse materials provided December 18, 2017, specifically Exhibits E & F, focus primarily on the appropriateness of the mitigation and generally support the idea of in-lieu-fee, off-island mitigation. Significantly, the material provided to date does not support the apparent conclusion that the Modified Proposal will result in less wetland / watercourse impacts as compared to the Initial Proposal. An updated critical areas report and revised site plans that include the following is necessary:
- 1) A delineation of the wetland / watercourse (with appropriate references to the flagged location of these features) on the site plans. The area of the wetland and wetland buffer should also be provided on the plans.
 - 2) A description of the wetland, wetland buffer, and watercourse buffer impacts (*e.g.*, area of impact, type of impact (permanent / temporary)) associated with the Initial Proposal and the Modified Proposal.
 - 3) An analysis (narrative explanation / discussion) of the proposed house location under the Modified Proposal, and the resulting difference (or change) in impacts to the wetland, wetland buffer, and watercourse buffers as compared to the Initial Proposal is required.
- C. Noise / Vibration.** Exhibit B to the material provided December 18, 2017 is a geotechnical report, which provides a brief analysis of vibrations associated with the proposed house, and concludes that vibration will not negatively impact Dr. Stivelman’s home. No discussion of noise impacts has been provided; an analysis of this item should be provided.
- D. Zoning Variance.** An application for a zoning variance should be processed concurrently with the revised RUE review, with combined comment periods and a consolidated hearing before the Hearing Examiner. Additional documentation from the applicant supporting a variance application will be needed.

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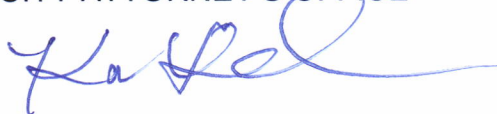
E. Technical corrections. The proposed site plans should be revised for clarity and to accurately reflect temporary and permanent impacts to critical areas anticipated with the Modified Proposal.

Based on the above, the Modified Proposal is consistent with one of the alternatives identified by the City in discussion with the applicant regarding a proposed MDNS. Presuming the items identified above are addressed, the City could then support the Modified Proposal, modify the SEPA determination from a DS to a MDNS, and recommend approval of the RUE and zoning variance to the Hearing Examiner. While the City fully supports the efficient processing of this Modified Proposal, we would note that the City has requested the above-described information several times prior to this letter, which is lengthening the review period. The City will certainly act as efficiently and expeditiously as possible in bringing this project review to a close once the above-described information is received.

Should you have any questions about the contents of this letter or wish to discuss it further, please contact me directly. Thank you for your continued cooperation on this complex project.

Sincerely,

CITY OF MERCER ISLAND
CITY ATTORNEY'S OFFICE



Kari L. Sand
City Attorney

Cc: Evan Maxim, Planning Manager
Adam Rosenberg, Attorney at Law, Williams Kastner