

# McCULLOUGH HILL LEARY, PS

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January 27, 2021

VIA ELECTRONIC MAIL

Robin Proebsting  
Senior Planner  
Community Planning and Development  
City of Mercer Island  
[Robin.proebsting@mercergov.org](mailto:Robin.proebsting@mercergov.org)

Re: CAO15-001 & VAR18-002  
MI Treehouse, LLC

Dear Ms. Proebsting:

This letter relates to the reasonable use exception and variance applications (CAO15-001 & VAR18-002) (“Applications”) submitted by MI Treehouse LLC (“Applicant”) for development of a home (“Project”) at 5637 East Mercer Way (“Property”). As you know, the Hearing Examiner held a hearing on the Applications and issued a decision (“Decision”) remanding the Applications to Community Planning and Development (“Department”) to provide additional information requested by the Examiner. The Applicant has carefully reviewed the Decision and prepared additional information as requested. This letter summarizes this information, which is provided to the Department for review concurrently with this letter.

**Wetlands/Streams.** In Finding 15 (Decision, p. 7) and Conclusions 4-5 (Decision, pp. 16-17), the Examiner requests additional information about the location of Stream B in relation to the home. To respond, the Applicant’s wetland biologist, Sewall Wetland Consulting, Inc., conducted an additional site visit and re-flagged the ordinary high water mark of the stream. The Applicant’s surveyor and civil engineer, CORE Design, Inc., then located the stream on an updated survey and site plan. The Applicant’s architect, The Healy Alliance, modified the building footprint and shifted the home slightly to the south and east to provide a 10-foot setback from the ordinary high water mark of Stream B as requested by the Hearing Examiner. CORE Design, Inc. placed the modified house footprint on the updated site plan. Sewall Wetland Consulting, Inc., updated the Critical Areas Report, Mitigation Bank Use Plan and the Critical Area Mitigation Plan to reflect the additional information regarding Stream B and the modified house footprint. In addition, in Finding 14 (Decision, p. 7), the Examiner requested updated wetland ratings. The updated Critical Areas Report includes this information.

**Geotechnical.** In Findings 8 and 10 (Decision, pp. 5-6), Finding 28 (Decision, p. 10) and Conclusions 6 and 7 (Decision, p. 18), the Examiner requests additional geotechnical analysis. In response, CORE Design, Inc. prepared an updated survey including topographical information 50 feet from the Property boundary and locating the toe of the steep slope. In addition, the Applicant retained Geotech Consultants, Inc., to review the previous geotechnical studies and prepare an independent report relating to slope stability and compliance with the Mercer Island Municipal Code (“City Code” or “MIMC”) provisions regarding geologically hazardous areas.

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**Survey/Site Plan.** In Finding 1 (footnote 6) (page 3 of the Decision), and in Finding 25 (page 9 of the Decision), Finding 35 (page 12 of the decision) and Conclusion 4 (page 16 of the decision), the Examiner requested additional information to be shown on the survey and site plan. In addition to the wetland/stream and geotechnical information previously discussed, CORE Design, Inc. verified that the boundaries of the Property are correctly depicted, the trail easement is shown and a surveyor's seal is provided.

**1977 Plat.** In Conclusion 4 (Decision, p. 17), the Examiner requests that the fir tree referenced in the 1977 plat creating the Property be located. The Applicant's arborist, Gilles Consulting, updated the Tree Report for the Project to identify this tree as well as to provide other information regarding the location and condition of trees on the Property.

**Documents Provided.** In summary, the documents provided in response to the Examiner's Decision are the following:

- Updated Survey
- Updated Site Plan
- Updated Critical Area Study, Mitigation Bank Use Plan and Critical Area Mitigation Plan
- Supplemental Geotechnical Report
- Updated Tree Report

Sincerely,



Courtney A. Kaylor

Enclosures

cc: Bio Park  
Jeff Thomas  
Client