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**CITY OF MERCER ISLAND**

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[www.mercergov.org](http://www.mercergov.org)

August 29, 2017

Demetriou Architects

Attn: David Jaffe

3675 West Mercer Way

Mercer Island, WA 98040

*Via email*

RE: ADU17-003, CAO17-005, SHL17-007, SUB17-004 Second Review Letter  
Land Use Applications for proposed home, ADU, driveway and retaining wall construction within  
a steep slope along the shoreline for the Lady Bug Trust. DEV17-009 Impervious Surface  
Deviation Application has been withdrawn.

Dear David Jaffe,

The City of Mercer Island Development Services Group has performed a review for compliance with the zoning code, Title 19 of the Mercer Island City Code (MICC) for the above land use applications. The following issues need to be addressed before we continue processing of the application. Please refer to each application's electronic plan or "eplan" comments and refer to the additional comments below:

General:

1. To reduce implications of site plan discrepancies, please submit one complete set of plans addressing all eplan comments and the comments listed in this letter.
2. Please provide a response letter that responds to all of our comments.
3. When resubmitting the plan set, please add "clouding" around all of the changes from the first to the second submittal.
4. The City will accept the Building Permit (intake meeting) after we receive confirmation from the air excavation results that the location of the proposed ADU will not have a negative impact on tree 156.

Planning:

5. Please provide a Construction Management Plan (CMP), refer to the CMP Checklist provided.
6. Please label the setbacks and width on all pages on the plans.
7. On Sheet A2.4, please verify that the proposed retaining walls within the required side setbacks meet our height requirements set forth in MICC 19.02.050. The maximum height is 144 inches for cut slopes, and the proposed retaining wall 03 is in question at a maximum height of

- approximately 29 feet 9 inches. In addition, with the proposed code update, the maximum height of the retaining wall outside of the required setbacks is 17 feet. Please consult with your Geotechnical Engineer and Don Cole (Building Official) about the design of the retaining wall, possible options include stepping the retaining walls and/or raising the driveway from the current proposal (still must meet maximum driveway grade of 20%).
8. Please provide building elevation drawings that the ADU shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
  9. Please provide the lot line revision (LLR) documents within the plan set for SUB17-004. Please provide the same documents that were provided in submittal 2 but illustrating the change in the driveway, retaining wall, and garage location. Those documents (plans) will be the ones that will be signed and recorded following final plat review.
  10. Please remove the garage and Accessory Dwelling Unit (ADU) eaves from the 5-foot setback from the access easement, as they are considered a part of the structure and no structures are allowed within that 5-foot setback.
  11. Critical Areas:
    - a. Please provide a maintenance and monitoring plan for the mitigation areas. Mitigation planting maintenance and monitoring will be required for 5 years from the date of project completion to ensure mitigation success and critical area protection.
    - b. Please provide a temporary erosion and sediment control plan. Erosion control measures shall be in place, including along the outer edge of the critical area (steep slope) prior to clearing and grading. Monitoring surface water discharge from the site during construction may be required.
    - c. Please provide a storm water and erosion control management plan consistent with MICC 15.09.
    - d. Please provide a conceptual grading plan indicating the location of grading and what the proposed grade will be.
    - e. Please provide a conceptual TESC plan, however official review by Ruji Ding will be performed under the building permit.
    - f. Please provide a completed Bond Quantity Worksheet, found here: <http://www.kingcounty.gov/~media/depts/permitting-environmental-review/dper/documents/forms/lr-wks-sensareaBQ-pdf.ashx?la=en>
  12. Plat Alterations (future site development permit):
    - a. The owner(s) of a project shall deposit with the city a performance bond or funds for a set-aside account in an amount equal to 150 percent of the cost of the required improvements, as established by the city engineer. Such security shall list the exact work that shall be performed by the owner(s) and shall specify that all of the deferred improvements shall be completed within the time specified by the city engineer, and if no time is so specified, then not later than one year. The city may also require a bond or set-aside account securing the successful operation of improvements or survival of required landscaping for up to two years after final approval.
    - b. Please contact the City's Civil Engineer (Ruji Ding) and the Building Official (Don Cole) to discuss construction seasons and possible drainage control.

Contact: [Lauren.Anderson@mercergov.org](mailto:Lauren.Anderson@mercergov.org) or 206-275-7704

Fire:

13. While the fire code does not require additional fire protection for the dock it is felt that it would be a fire safety enhancement. The large size of the boat, its proximity to others around it, and the fuel capacity present fire suppression challenges. We would be willing to consider Fire Code Alternate Request with the addition of one class 1 dry standpipe connection on the dock and one adjacent to the exterior of the house. These shall meet NFPA 14 – 2013.
14. The Fire Main and water service for this project is conceptual in nature and will be evaluated on an associated permit. The type of sprinkler system that is required for this will determine fire service main size or if it can be combined with the domestic service. A Fire Code alt request is required.
15. At this early stage in approval it looks like a 13R sprinkler system and an NFPA 72 Household Fire Alarm is required for the ADU. As further information is provided requirements may change.
16. Please refer to the comments on SUB17-004 plans.
17. The City will need full building plans to determine fire protection requirements for the house. Until then the sprinkler type is unknown and water details cannot be completed.

Contact: [Herschel.Rostov@mercergov.org](mailto:Herschel.Rostov@mercergov.org) or 206-275-7607

Trees:

18. Tree 156 shall be protected and its limits of disturbance should be detailed by the Project Arborist. The submitted Arborist memo did not describe the requested air excavation or how the limits of disturbance had been determined. This analysis should include full root zone analysis with air tool by certified Arborist. Limits of proposed disturbance should be marked in the field for the TRAQ Qualified Arborist visit. The City Arborist shall be notified at least one week ahead of time of when the excavation will take place so a conversation between the Project Arborist and City Arborist may take place while the roots or trench is exposed. The placement of the structure near tree 156 shall be positioned in accordance to the results of these limits of disturbance. If proposed limits of excavation where air excavation takes place and significant roots are discovered, air excavation should keep going until an acceptable distance is found.
19. On the Tree 156 Memo, please remove the X from the tree 156 label on the second page.
20. These comments are to be implemented before any building permit will be accepted for intake:
  - a. Show all tree information on Civil sheet.
  - b. This northwest property line grove of trees shall be protected as shown on L-1.0 dated 7/26/17.
  - c. Building plans shall use reasonable best efforts to design the home, driveway, underground utilities and other proposed improvements in a manner that provides for reasonable development while minimizing impacts to Regulated Trees on site and in the right of way. Conduct all work in accordance with best construction practices to retain as many trees as possible per MI 19.10.080A3b.
  - d. Due to the proposed site development and building permit application following the new Residential Code Update, this means the project needs to meet the revised tree code requirements. One proposed requirement is to retain a minimum of 30% of the trees on site over a rolling five-year period. Another is that a permit is required to remove any tree unless specifically exempted. Please refer to the links below for more information about the tree code update (19.10):

- <http://www.mercergov.org/Page.asp?NavID=3131>
- <https://www.youtube.com/watch?v=VgSySXzsOA8#action=share>
- <http://www.mercergov.org/files/Code%20comparison%20table%20-%208-21-2017.pdf>

Contact: [John.Kenney@mercergov.org](mailto:John.Kenney@mercergov.org) or 206-275-7713

Building:

21. To avoid incurring impact fees on this lot, a complete building permit application must be submitted within one year from the date of demolition of the existing single-family residence. Impact fees will apply to the lot if it is vacant for 12 months or more. All impact fee regulations can be found in our code (online here: <http://www.codepublishing.com/WA/MercerIsland/#!/MercerIsland19/MercerIsland19.html>) in chapters 19.17, 19.18, and 19.19 respectively.
22. Please contact Don Cole about the feasibility of a Wet Season Deviation.

Contact: [Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org) or 206-275-7701

Engineering:

23. Please refer to the eplan comments on SUB17-004, link provided below.

Contact: [Ruji.Ding@mercergov.org](mailto:Ruji.Ding@mercergov.org) or 206-275-7703

The eplan comments can be found under the following link:

- a. SUB17-004: [https://MlePlan.mercergov.org/adobe/eplan/~CurrentSharedReviews/SUB17-004-SUB4-PLANS-073117\\_review.pdf](https://MlePlan.mercergov.org/adobe/eplan/~CurrentSharedReviews/SUB17-004-SUB4-PLANS-073117_review.pdf).

The Customer Service Team may assist you with any questions regarding accessing the online comments and trouble shooting. They may be reached at 206-275-7728.

The Mercer Island Review Team's processing of the land use applications listed above are on hold until these issues are resolved. Please do not hesitate to contact me at 206-275-7704 or via e-mail at [lauren.anderson@mercergov.org](mailto:lauren.anderson@mercergov.org) if you have any questions.

Please provide the above items by October 30, 2017 (**60 days**). The City may authorize additional time for submittal of the above information based upon a written request for a deadline extension, accompanied by a schedule for resubmittal.

Sincerely,



Lauren Anderson, Assistant Planner  
City of Mercer Island Development Services Group

[Lauren.anderson@mercergov.org](mailto:Lauren.anderson@mercergov.org)

(206) 275-7704