



Seaborn Pile Driving
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REVIEW RESPONSE

DATE: 7-14-2021

PROJECT NAME: SUN

RESPONSE TO:

Review Comments for File No. SHL20-044 and SEP20-023 Second Review Letter –
7240 N Mercer Way, Mercer Island, WA 98040;

To whom it may concern,

This letter is in response to the corrections for SHL20-044 and SEP20-023 Shoreline substantial permit. Below are our responses to the questions/comments from bMarch 23, 2021.

March 23, 2021

1. General:

a. It was brought to staff's attention that the project scope has changed and that the work will be done in two phases with separate permits. The applicant has stated that the deck replacement will be under a new Shoreline Exemption application and the cove and new boat lift will be under SHL20-044 and SEP20-023.

We have withdrawn the "updated" shoreline and will be continuing with this current submittal. Scope of work has been updated to note pile repair, decking repair, moorage cover repair, bulkhead remodel and a new lift installed.

2. Plan set:

a. Please update the applicant information, Development Application, and plan set to reflect the revised scope of work.

Scope of work has been updated to note pile repair, decking repair, moorage cover repair, bulkhead remodel and a new lift installed.

b. Please provide a code compliance narrative on how the proposed cove and boat lift complies with the Shoreline Master Program (19.13), including but not limited to the following: MICC 19.13.050(F)(1) or (3) and MICC 19.13.050(B) bulkheads and shoreline stabilization structures.

I believe we are in compliance on MICC19.13.050(F)(2) for both the moorage and the bulkhead. The only part of the project not in compliance with that section is the new lift. Per the note 2c on the first correction letter from January 21, 2021, "overwater uses and structures, and uses and structures 25ft landward from the OWHM, which were legally created may be maintained, repaired, renovated,



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remodeled and completely replaced to the extent that nonconformance with the standards and regulations of this section is not increase.” Based on this comment and the documentation from 1979 where MI granted a wavier for steep slope ordinance for the additions shown on the site plan also from 1979, showing the bulkhead, we can replace the bulkhead with the cove as the sqft of the proposed bulkhead structure is 249 sqft and the existing structure is 253 sqft. The moorage cover is legally established in a sewer as-built submitted to the city in 1959.

c. The 1955 10 foot sewer easement over second class shorelands needs to be shown and labeled on all sheets in the plan set. Please note the recording number (4655697).

Plan set has been updated to show the 10ft offsets

d. The proposed boatlift needs to be located outside the city sewer easement. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.

e. Please show all existing (note if it will remain or be removed) shoreline improvements on all sheets.

Boatlift location has been updated to show the lift outside of the easement

f. On the existing conditions sheet A2.0 please illustrate the existing bulkhead and label.

The existing bulkhead and proposed bulkhead have both been illustrated and labeled on the revised site plan

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g. Illustrate the required 0-25 foot and 25-50 foot shoreline setback from the OHWM. Include the calculation that the existing and proposed improvements complies with the 10% maximum allowed hardscape within the 0-25 foot shoreline setback. Hardscape includes the following: bulkhead, walkways, stairs, etc.

Per the note 2c on the first correction letter, “overwater uses and structures, and uses and structures 25ft landward from the OHWM, which were legally created may be maintained, repaired, renovated, remodeled and completely replaced to the extent that nonconformance with the standards and regulations of this section is not increase.” Based on this comment and the documentation from 1979 where MI granted a wavier for steep slope ordinance for the additions shown on the site plan also from 1979, showing the bulkhead, we can replace the bulkhead with the cove as the sqft of the proposed bulkhead structure is 249 sqft and the existing structure is 253 sqft.

3. Proposed cove:

a. Please label on all sheets what material will be used to fill in the proposed cove. Is it spawning gravel/pebbles?

Spawning gravel will be used to satisfy the WDFW requirements @ 5/8” minus mix

b. The new bulkhead looks like it will be located waterward of the existing bulkhead in



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certain spots. Per MICC 19.13.050(B)(1)(ii) “replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the primary structure was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.”

Plan set has been updated to clarify that the proposed bulkhead will replace exiting bulkhead in exact same location or, in areas of the cove, be set back landward from the OHWM and will not move further waterward.

c. MICC 19.13.050(B)(1) and MICC 19.13.050(B)(7) requires the applicant to demonstrate a need to protect the primary structure on a lot from erosion when proposing a shoreline stabilization structure. Please provide a geotechnical report that indicates that the proposed bulkhead is required to protect the slope on the lot and is required to protect the primary structure.

A Geotech report has been completed and is included

d. Provide a narrative on how the proposed cove and new bulkhead (shoreline stabilization structure) complies with 19.13.050(B)(1)-(8).

This response can be found above, question 2(b) which notes use to confirm it meets requirements for 19.13.050(b) which I understood to be the entire section include (1)-(8).

e. The No Net Loss Report states that the existing bulkhead is wood but the plans state that it’s a rock bulkhead. Please adjust accordingly to accurately depict what is existing.

I reviewed the NNL, I saw Rock bulkhead and wood pier which is another term for dock. Please show the wood bulkhead note as it should be rock.

f. Please label the proposed bulkhead material. Looks to be rock but should be labeled.

Updated plan set to label material

4. Other:

a. The Sewer Lake Line Affidavit will need to be recorded with King County prior to the approval of the associated building permit.

This is not a comment I have ever received from a reviewer, does this simply mean to supply you with the sewer affidavit? Is there a code I can reference when I share this information with the homeowner?



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Please let me know if I have answered your questions to your satisfaction or if I need to include more information. I want to make sure I am meeting your expectations as best as I can.

Thank you for your time,

Kelsey Meyer
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