

10/5/22

Ryan Harriman
Planning Manager
City of Mercer Island
Community Planning and Development

RE: Request for Information #2 for File No. SUB21-006, CAO21-004, SEP21-022 – Milestone Short Subdivision
7621 SE 22nd ST, Mercer Island, WA 98040; King County Tax Parcel # 531510-1846 **Applicant Response**

Dear Ryan:

Here is our response to your letter dated August 11, 2022 (See Applicant responses below in red):

The City of Mercer Island received the resubmittal for SUB21-006 on May 20, 2022 addressing the items listed in the Request for Information #1. City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC). Please note that further review of this application is on hold until the following information is provided by the applicant (application status is “WCI” Waiting Customer Information). Please provide the following items:

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.). **Responses have been noted for plan sheet references**
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.

Fire comment:

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

1. No additional comments. **No response required**

Land Use Planning:

Contact: Ryan Harriman, EMPA, AICP, Planning Manager, at ryan.harriman@mercerisland.gov or 206-275-7717.

1. Code Criteria Compliance Matrix: The applicant shall complete a Code Criteria Compliance Matrix for the proposed short subdivision. The code criteria compliance matrix shall include specific details and examples about how the proposed project is consistent with Chapter 19.02 MICC, Chapter 19.07 MICC, Chapter 19.08 MICC, and Chapter 19.10 MICC. The purpose of the code compliance matrix is to provide guidance to applicants on the requirements for the development of property. The applicant bears the burden of proof that the proposed project is consistent with all laws, standards, and requirements provided in the MICC. This is a tool to ensure the proposed development is consistent with the requirements of the MICC, a guide and reference for developers to ensure all requirements are accounted for in application submittals, and a tool for staff to seamlessly review proposals and to

enhance the quality and speed of the review process. If a section of the code is not applicable to the proposed development, please indicate that in the matrix. A copy of the Excel files will be emailed with this comment letter. **Matrix is attached to this submittal**

2. All public comments received during the public comment period must be addressed by the applicant. The applicant shall respond to all comments in writing and provide a copy of the communication to the city to include in the case record. **Comments from King County Wastewater dated November 22, 2021 have been addressed and incorporated in the previous and current submittal**
3. To receive a reduction in the stream buffer building setbacks an application will need to be submitted, reviewed, and processed by the city. Per MICC 19.15.030 a setback deviation is a type II land use review which requires a public process and decision by the code official. The code official will only approve the setback deviation if the applicant can prove they can meet the approval criteria contained in MICC 19.06.110(C). **Applicant has withdrawn this request**

Geotechnical Engineering:

1. Please see the attached peer-review and provide responses to each item provided. **Response provided in separate attached letter from Riley and Associates**

Civil Engineering:

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

1. Please show the new lot lines with distances and bearings, as well as legal descriptions for all proposed easements and new parcels. **Per email from Ruji Ding, applicant has added distances and bearings for the proposed easements to Sheet 6 of the Civil Plan**

Trees:

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

1. (Repeat comment for civil) You will be required to save 30 percent of all large, regulated trees and any exceptional trees over 24-inches in diameter. You discussed trees 14, 15 for this process but they are not exceptional and over 24-inches. Use this process to resolve the trees described in comment 1. Also describe how moving the driveway to the south to retain tree 12 would cause a dangerous situation with the neighboring driveway to the south. **Driveway for Lot 3 has been modified, tree 12 is to be retained, see separate attached narrative for all Tree comments**
2. 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?)
 - ☐ 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 percent 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. **All Exceptional trees, with the exception of grove trees 14 and 15 are being retained. Allowed setbacks and maximum gross floor area have been calculated to justify the removal of trees 14 and 15. (see attached narrative and GSF exhibits) Applicant has proposed retaining 83% of the large trees. (See attached narrative and exhibits for a detailed explanation)**
 - ☐ You must make the case in a narrative and plan showing you have followed these steps. 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 percent of the maximum gross floor area per MICC 19.10.060. **(Narrative included with this submittal)**
 - ☐ Trees must be protected at Arborist given limits of allowable disturbance. Building pads must have a 5-foot buffer to access and construct the building. As an example, placing a building pad 2-feet away from a tree will result in the tree being damaged and removed. **All building pads have a minimum of a 5' buffer.**

3. (Repeat comment for Architect from Pre application meeting/intake). 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. This must happen now during review to determine tree retention. Example, exceptional tree 1 is shown 2-feet from a building pad. It has minimum limits of 12-feet. **The proposed building pad is now 12 feet from the base of tree 1 and outside the limits of disturbance. Given that we do not have final house designs for these lots we have proposed requiring an arborist to be on site for foundation excavation. This note has been added to Sheet 1 on the Civil Plan.** Trees 22, 13 have access shown within these limits. **The building pad for lot 2 is shown outside of the limits of disturbance and the access drive for Lot 3 has been moved so it no longer impacts the limit of disturbance for tree 13. The access drive for tree 22 is shown as 15 feet from the base of the tree. This is the current location of the access drive for the original house and the limits of disturbance, which is 18', is currently 3' into the existing driveway. (See photo in attached tree narrative) The driveway has been in its current location for over 70 years. The finished grade for the new driveway access within the limits of disturbance will be less than 1' from the existing grade and the driveway drain will be 1' below the finished grade of the driveway. (See sheet 5 of the Civil drawings)There are no other possible ways to access lots 1 and 2 except for the driveway as shown. We discuss this in the narrative where we explore all other option for lot and house configurations**

Trees 12, 13 would need to be removed as shown and would need justification per MICC 19.10.060.3. Or move the building pad to insure the minimum 10-foot limits of allowable disturbance. This includes at least 5-feet surrounding the building pad for access. My previous comment about this was unclear. All exceptional must be retained at limits of disturbance confirmed with root analysis. There must be an additional 5-foot buffer surrounding the building pads outside or in addition to these limits of allowable disturbance. This is so the house can be built without damaging the trees. **Limits of disturbance have been shown on the plans. An encroachment into the limits of disturbance is shown for tree 25 (to be retained) and a supporting letter from the arborist is attached to this submittal. Building pads have been adjusted to remain outside of all other limits of disturbance. In addition, we have added a note to the Preliminary Plat Map that an arborist be on site to observe the excavation of foundations.**

With your resubmittal, please provide a cover letter responding to each of the items above. Please reference page/sheet numbers noting where the requested information can be found. An incomplete resubmittal may delay your project.

The City's processing of the Short Plat, CAR2, and SEPA applications has been put on hold until these issues are resolved. Pursuant to MICC 19.15.110, all requested information must be submitted within 60 days or a request for extension requested. The deadline for a complete response or request for extension is Monday, October 10, 2022. If a complete response is not received or an extension response has been received prior to that date, the application will expire and be canceled for inactivity. No additional notification regarding this deadline or expiration of the application will be provided.

Please do not hesitate to contact me at 206-275-7717 or via e-mail at ryan.harriman@mercerisland.gov if you have any questions.

Sincerely,

Ryan Harriman
Ryan Harriman, EMPA, AICP
Planning Manager

City of Mercer Island
Community Planning and Development

Enclosed:

Attachment A: Code Criteria Compliance Matrix (Emailed)

Attachment B: Geotechnical Peer-review letter

May 31, 2022

Andrew Leon
Planner
Community Planning and Development (CPD)
City of Mercer Island

Re: Rand-Milestone Short Plat
7621 SE 22nd Street
Mercer Island, Washington
CAO 21-004

This letter provides geotechnical review comments for the above-referenced project. The proposed short plat was reviewed for compliance with Mercer Island City Codes (MICC):

- ☐ MICC 19.07.160 Geologically hazardous areas.
- ☐ MICC 19.09.090 Building pad. (Specifically 19.09.090(A)(2)(c).)

MICC 19.07.160 Geologically hazardous areas

A review of the geotechnical report provided for the proposed development (Riley Group, Inc. dated May 4, 2022) indicated on page 2 the following statement.

“Evidence of mass wastage was observed at the site.”

No additional discussion or details were provided regarding this statement.

Comment 1: Provide details on where this was observed, potential impacts to the proposed development as well as mitigation measures to be incorporated into the final design.

On page 4 of the geotechnical report, erosion hazard is indicated as the only hazard designated by the City of Mercer Island. Two additional hazards are identified for this lot: landslide and seismic.

Comment 2: Geotechnical engineer shall provide a critical area study as required by MICC 19.07.110.

MICC 19.07.160. Section (B) is provided below.

- B. *General review requirements.* Alteration within geologically hazardous areas or associated buffers is required to meet the standards in this section, unless the scope of work is exempt pursuant to section 19.07.120, exemptions, or a critical area review 1 approval has been obtained pursuant to section 19.07.090(A).
1. When an alteration within a landslide hazard area, seismic hazard area or buffer associated with those hazards is proposed, the applicant must submit a critical area study concluding that the proposal can effectively mitigate risks of the hazard. The study shall recommend appropriate design and development measures to mitigate such hazards. The code official may waive the requirement for a critical area study and the requirements of subsections (B)(2) and (B)(3) of this section when he or she determines that the proposed development is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity, or that the development site does not meet the definition of a geologically hazardous area.
 2. Alteration of landslide hazard areas and seismic hazard areas and associated buffers may occur if the critical area study documents find that the proposed alteration:
 - a. Will not adversely impact other critical areas;
 - b. Will not adversely impact the subject property or adjacent properties;
 - c. Will mitigate impacts to the geologically hazardous area consistent with best available science to the maximum extent reasonably possible such that the site is determined to be safe; and

- d. Includes the landscaping of all disturbed areas outside of building footprints and installation of hardscape prior to final inspection.
3. Alteration of landslide hazard areas, seismic hazard areas and associated buffers may occur if the conditions listed in subsection (B)(2) of this section are satisfied and the geotechnical professional provides a statement of risk matching one of the following:
 - a. An evaluation of site-specific subsurface conditions demonstrates that the proposed development is not located in a landslide hazard area or seismic hazard area;
 - b. The landslide hazard area or seismic hazard area will be modified or the development has been designed so that the risk to the site and adjacent property is eliminated or mitigated such that the site is determined to be safe;
 - c. Construction practices are proposed for the alteration that would render the development as safe as if it were not located in a geologically hazardous area and do not adversely impact adjacent properties; or
 - d. The development is so minor as not to pose a threat to the public health, safety and welfare.

The Riley Group's geotechnical report addendum dated May 4, 2022, did not indicate which statement of risk is appropriate for this development. The verbatim statement of risk must be ONE of the statements presented in MICC 19.07.160.(B)(3).

Comment 3: Provide a revised statement of risk that conforms to one of the statements presented in MICC 19.07.160.(B)(3).

MICC 19.09.090 Building pad.

19.09.090(A)(2)(c). Building pads shall not be located within:

- (c) Critical areas, buffers or critical area setbacks; provided building pads may be located within geohazard hazard areas and associated buffers and setbacks when all of the following are met:
 - i. A qualified professional determines that the criteria of MICC 19.07.160(B)(2) and (3), Site Development, are satisfied;
 - ii. Building pads are sited to minimize impacts to the extent feasible; and
 - iii. Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

It appears that Lot 2 is located over the sloped portion (also designated landslide hazard) of the site. No final grading is provided in this area.

Comment 4: This code section (MICC 19.09.090) cannot be met without meeting code section MICC 19.07.160. Provide proposed final grades for the proposed lots. Provide information regarding proposed building excavation, e.g., will basement levels be involved? Provide an anticipated basement level elevation or finished floor elevations for at-grade structures for the proposed lots.

Adequate grading information should be provided for Lot 2 so that the geotechnical engineer can assess potential slope stability impacts and provide design mitigation recommendations.

Following review of this information, assessment of potential site and offsite impacts and provision of recommended mitigation measures, the geotechnical engineer can then provide a statement of risk as discussed in Comment 3 above.

Rand-Milestone Short Plat
CA021-004: 7621 SE 22nd Street
Mercer Island, WA
May 31, 2022
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Summary

There are four review comments to be resolved.

Should further information be required, feel free to contact me.

Sincerely,

City of Mercer Island – CPD

A handwritten signature in black ink, appearing to read "Michele Lorilla". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michele Lorilla, P.E.
Geotechnical Peer Reviewer