

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



~~March 10, 2022~~

Revised March 15, 2022

Jed Murphy
PO Box 317
Ronald WA 98940
Via email: jed@jmkhomes.net

RE: Request for Information #1 for File No. CAO22-003 & SUB21-008 – Koneru Short Plat
6610 East Mercer Way, Mercer Island, WA 98040; King County Tax Parcel # 302405-9153

Dear Mr. Murphy:

The City of Mercer Island has received the two lot Short Plat subdivision application and Critical Area Review 1 (CAR1) application. The City has assigned SUB21-008 and CAO22-003 to the applications. Following review of the application, City staff has determined that additional information is necessary to ensure compliance with the Mercer Island City Code (MICC). Please provide address 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.).

Planning:

Contact: Lauren Anderson, Planner, at lauren.anderson@mercerisland.gov or 206-275-7704.

1. General:
 - a. Please add the approval note: "This request does not guarantee that the lots will be suitable for development now or in the future. The legal transfer of the property must be done by separate instrument unless all lots herein are under the same ownership."
 - b. Add short plat application name and number to all sheets: Koneru Short Plat, SUB21-008.
 - c. Please refer to the public comment the city has received, Attachment A.
 - i. Per MICC 19.08.030(C)(1), "where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code official in

the case of a short subdivision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both."

- d. Topographic map: for any existing buildings, the map shall show the finished floor elevations of each floor of the building.
 - e. Note the Ordinary High Water Mark (OHWM) on Sheet C1.0. Refer to MICC 19.16 definition of "Ordinary High Water Mark."
 - f. Illustrate the property line boundary along the shoreline. If a portion of the property is below the OHWM, then it would meet the definition of "lands covered by water" pursuant to WAC 197-11-756 and would require SEPA review.
 - g. Provide side elevation drawings of the proposed driveway. Label existing and finished grade.
 - h. Provide new legal descriptions for proposed Lot 1 and Lot 2.
 - i. Please verify that the proposed future houses will be able to meet residential zoning standards, including setbacks/yards, height, gross floor area, and lot coverage. These standards were summarized at the previous pre-application meeting on this project on July 13, 2021.
 - j. Revise the following typos:
 - i. Sheet C0.2: legal description misspells "said" in the second paragraph
 - ii. Sheet C1.0: piped watercourse note misspells "setback"
 - k. Provide a table with the following information for the existing lot and Lots 1-2:
 - i. Lot slope
 - ii. Maximum allowed lot coverage & hardscape
 - iii. Maximum allowed gross floor area (GFA)
 - iv. Net lot area
 - v. Lot coverage
 - vi. Hardscape
 - vii. Proposed lot coverage and hardscape*
 - viii. Gross floor area (GFA)*
 - ix. Lot width and depth
 - x. Parking stalls: covered and uncovered

*Excludes future building permit plans, as proposed lot coverage, hardscape, and GFA will be reviewed at the time of building permit submittal.

R-15 zone: The net lot area shall be at least 15,000 square feet. Lot width shall be at least 90 feet and lot depth shall be at least 80 feet. Maximum allowed GFA in the R-15 zone is 12,000sf or 40% of the lot area, whichever is less.
2. Piped watercourse:
- a. Typo on Sheet C1.0: the note regarding the piped watercourse misspells "setback."
 - b. For the portion of the piped watercourse off-site, revise the setback to be the standard 45 feet from the centerline of the piped watercourse. The setback reduction applies to the subject site only.
 - c. Pursuant to MICC 19.07.180(C)(6)(d), lots with a width greater than 50 feet can reduce the piped watercourse setback to 10 feet when daylighting is determined by a qualified

professional to result in one or more of the 4 outcomes listed under 19.07.180(C)(6)(d)(i-v). Please clearly illustrate and label the reduced 10 foot piped watercourse setback on Lot 1 and Lot 2.

- d. Clearly illustrate and label the piped watercourse centerline. Piped watercourse is noted but it is unclear where it is located as there are multiple lines that look similar that represent existing easements. Please use a different line to represent the piped watercourse and add an arrow.
3. Building Pad:
 - a. Please illustrate the two (2) building pad areas that comply with MICC 19.09.090. In general, the building pad excludes setbacks and avoids and minimizes impacts to the following: trees, vegetation, topography, and critical areas (geohazards and piped watercourse setback).
 - b. Please have your Geotechnical Engineer review the proposed building pad locations and indicate compliance with MICC 19.09.090(A)(2)(c)(i-iii) in a follow-up letter or report addendum.
 4. Existing Improvements and Single-Family Residence:
 - a. The existing house will need to be demolished prior to Preliminary Short Plat approval or a condition of approval will be added that the existing house shall be demolished prior to Final Plat application. Please state when the existing house will be demolished. Permit #2112-250 is for a demo/rebuild.
 - b. Lot 1 and Lot 2 will need to reflect the changes to hardscape, lot coverage, and impervious surface related to the removal of existing improvements and single-family residence.
 5. Easements:
 - a. Clearly list existing easements to remain and be extinguished, as well as proposed easements.
 - b. It is difficult to distinguish what lines represent easements and setbacks. Please differentiate the two with different line types and provide a legend.
 - c. Note recording numbers and width for all existing easements.
 - d. Note proposed easement widths.
 - e. Revise the 10' watercourse setback to "10' piped watercourse setback."
 - f. It appears there are a couple easements missing. Please illustrate and note all existing easements and the recording numbers. The following are shown on the city's GIS map on the subject property:
 - i. 1996 10' storm easement; recording # 199606250590
 - ii. 1962 sewer easement over shorelands and upland; recording # 5501889
 - iii. 1964 10' sewer easement over second class shorelands; recording # 5758769

Off-site easements to the north of the subject site:

 - iv. 1964 12' public sewer easement; recording # 5750937
 - v. 1964 12' sewer easement; recording # 5750936
 - vi. 1964 10' sewer easement; recording # 5787780
 - vii. 1994 Storm drainage easement; recording # 199403250630
 - viii. 1964 10' storm sewer easement; recording # 199606250591

- ix. 12' x 40' access easement for Lot 2 (plat); recording #SUB7902-001
- x. Private road, service & utility easement (plat); recording # 196302205546760
- g. It appears that rip rap pipe outfall is proposed on top of the city' sewer line and potentially within the city sewer easements. Pursuant to MICC 19.02.020(H)(2), "*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.*" Have you received approval from the city to complete this work within a city easement and over the city's sewer line? In addition, please provide a profile drawing of the proposed outfall.
- h. Illustrate existing and proposed easements on the grading and utility plans.
- i. There are many dimensions labeled that are assumed to be for easements. The dimensions need to be labeled with the easement type and recording number (if existing), as it is currently difficult to determine what the dimension is for.

Trees:

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

1. (For Architect) Move building pad to be outside of tree 15's dripline. Or provide Arborist evaluation that the tree would not have been damaged with the encroachment into the tree's dripline. Even though this tree was already removed under a non-development tree permit. Since the tree was exceptional it would have been required to be retained and not damaged by development in the tree protection zone.
2. (For Architect) Provide the tree inventory worksheet and include all trees removed within five years. This will include the trees that were removed under the non-development tree permit. The tree protection plan must show at least 30% of trees being protected and not damaged by construction for this subdivision to be approved.
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/mercerislandtreeinventory.pdf
3. (For Arborist) Update Arborists tree report to include dripline radius measurements. And other requirements in the checklist. See report requirements:
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/treessubmittalchecklist.pdf.
4. (For Civil and Arborist) A tree protection plan with all Civil information must be created. No tree protection is shown on C3.0. The retaining wall, trench, and other utilities to be moved outside saved trees driplines/limits of allowable disturbance. The SD is shown within 9' of exceptional tree 14. Update tree protection plan with tree protection chain link fence and all the following items in this checklist. Exceptional trees must be retained according to 19.10.060.3. and protected under 19.10.080.
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/treessubmittalchecklist.pdf
5. A tree replanting plan will be required to mitigate for all removed trees. At least half of the trees need to be Pacific Northwest native, see the following link
https://oregonstate.edu/trees/name_common.html. The trees need to be at least 10' apart

from each other, structures, fences, and utilities. If requested and you can show no room exists on site for all the trees, the remainder can be a fee in lieu if requested.

Civil Engineering:

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

1. Easements:
 - a. Clearly distinguish the existing easements from proposed easements.
 - b. Clearly distinguish the private easements from public easements.
 - c. Show the recording numbers for all existing easements.
 - d. Show the city sewer easement.
 - e. Move the proposed private storm drainage easement out of the existing public storm drainage easement.
2. Tie this plat to at least two known city monuments on East Mercer Way.
3. Sheet C3.0:
 - a. Show the limits, type, and recording number of the private easement that the proposed private water supply lines will be located.
 - b. Show the public water main easement at the new water meter locations. Please note that the water meters and water service lines must be located inside the public water easement.

Geotechnical Engineering:

1. Refer to Attachment B, First Geotechnical Peer Review Letter.

Fire:

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

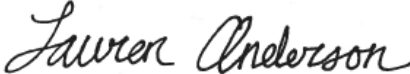
1. This access road is less than 150' so it would be considered a "driveway." No fire comments.

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 and CAR21* application has been put on hold until these issues are resolved. Pursuant to MICC 19.15.110, all requested information must be submitted within 120 days or a request for extension requested. The deadline for a complete response or request for extension is July ~~8-13~~, 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 206-275-7704 or via e-mail at lauren.anderson@mercergov.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lauren Anderson". The script is cursive and fluid.

Lauren Anderson, Planner
City of Mercer Island Community Planning & Development

Enclosed:

Attachment A: Public Comment

Attachment B: First Geotechnical Peer Review Letter

Attachment A

From: [Roy A. Umlauf](#)
To: [Lauren Anderson](#)
Cc: [Kathy Umlauf](#)
Subject: Permit application SUB21-008 Type III
Date: Sunday, November 7, 2021 7:35:41 PM
Attachments: [0.png](#)

Dear City of Mercer Island/Lauren Anderson:

We are writing to comment on the proposed construction in our neighborhood. We live at 6470 East Mercer Way. The construction will use our common road. Our road was damaged somewhat during stream restoration project this summer. We are concerned that additional construction equipment and trucks on that road may cause further damage to the road and want to ensure that the property owner doing the construction takes appropriate precautions to protect the road and to fix any damage done. Can you include such conditions in the permit?

Thanks for your consideration

Roy & Kathy Umlauf

206-200-6190 Roy's cell

206-200-4950 Kathy's cell

Roy A. Umlauf

Shareholder

Forsberg & Umlauf, P.S.

901 Fifth Avenue, Suite 1400

Seattle, WA 98164

DIRECT 206-689-8551

OFFICE 206-689-8500

FAX 206-689-8501

EMAIL Roy@FoUm.law



Attachment B

February 16, 2022

Lauren Anderson
Planner
Community Planning and Development (CPD)
City of Mercer Island

Re: Koneru Short Plat (SUB 21-008)
6610 East Mercer Way
Mercer Island, Washington

This letter is provided at your request to address whether the proposed subdivision complies with the following Mercer Island City Codes (MICC).

- MICC 19.07.160 Geologically hazardous areas.
- MICC 19.09.090 Building pad. (Specifically, 19.09.090(A)(1)(b) and (c) as well as 19.09.090(A)(2)(c).
- MICC 19.07.180(C)(6)(d) Watercourses

MICC 19.07.160 Geologically hazardous areas

A review of the geotechnical report provided for the proposed development (Geotech Consultants, June 8, 2021) and the Mercer Island geologic map (Troost and Wisher, 2006) indicates that the project site is underlain by loose alluvial soils over medium dense to dense sand. Groundwater was encountered at depths of 5 to 8 feet below existing ground surface.

The geotechnical engineer of record, Geotech Consultants, Inc. indicates that the alluvial soils have a moderate to high potential for liquefaction under earthquake loading.

Additional information is required regarding the seismic hazards at this site:

1. To what depths will the liquefaction occur?
2. What will be the impact of this liquefaction? What magnitude post-liquefaction settlement is estimated? Provide calculations to support estimated settlement.
3. How is this settlement taken into account in the design of the deep foundations? Provide calculation of estimated downdrag loads on the piles.
4. Provide stability analyses of potential flow failure or lateral spreading at the site due to seismic loading and/or liquefaction. Show cross section of stability analyses with results, soil stratigraphy, soil properties, etc.
5. How is this flow failure and/or lateral spreading incorporated into the site development? Provide calculations of estimated deformations. Will the proposed pipe piles have sufficient structural integrity to preclude a slenderness ratio issue or lateral failure under these seismic conditions?
6. What soil improvement techniques are recommended to reduce the potential for liquefaction or to mitigate the impacts of flow failure or lateral spreading at this site? If soil improvement techniques or mitigation measures are not recommended, provide a discussion as to why they are not being considered.

The geotechnical engineer of record, Geotech Consultants, Inc., has provided a risk statement in their June 8, 2021 report that conforms to MICC 19.07.160.(B)(3)(c).

Until the additional information requested above is provided and reviewed, the proposed development does not currently meet the requirements of MICC 19.07.160.

MICC 19.09.090 Building pad. Specifically, 19.09.090(A)(1)(b) and (c) as well as 19.09.090(A)(2)(c)

- 19.09.090(A)(1)(b). Disturbance of the existing, natural topography as a result of anticipated development within the building pad shall be minimized;
- 19.09.090(A)(1)(c). Impacts to critical areas and critical area buffers shall be minimized, consistent with the provisions of Chapter 19.07 MICC; and

Koneru Short Plat (SUB 21-008)
6610 East Mercer Way
Mercer Island, WA

- 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.

In my opinion, the proposed development meets the requirements of MICC 19.09.090(A)(1)(b) and (c) as well as 19.09.090(A)(2)(c)

MICC 19.07.180(C)(6)(d) Piped Watercourses

- Piped watercourse setback widths shall be reduced to: (i) ten feet on lots with a lot width of 50 feet or more, and (ii) five feet on lots with a width of less than 50 feet, when daylighting is determined by qualified professional(s) to result in one or more of the following outcomes:
 - i. Increased risk of landslide or other potential hazard that cannot be mitigated;
 - ii. Increased risk of environmental damage (e.g., erosion, diminished water quality) that cannot be mitigated;
 - iii. The inability of a legally established existing lot to meet the vehicular access requirements of this title; or
 - iv. The inability of a legally established existing lot to meet the building pad standards in section 19.09.090.

Geotech Consultants, Inc., provided a letter dated August 24, 2021, discussing the geotechnical feasibility of watercourse restoration across the northwest corner of the property.

We generally agree with the conclusions provided in their letter which would, at a minimum, meet the requirement stated in MICC 19.07.180.(C)(6)(d)(ii).

Summary

The outstanding issues are associated with meeting the requirements of MICC19.07.160.

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

Sincerely,

City of Mercer Island – CPD



Michele Lorilla, P.E.
Geotechnical Peer Reviewer