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September 1, 2023

VIA US MAIL AND E-MAIL

Andrew Leon, Planner
City of Mercer Island Community Planning and Development
9611 SE 36th Street
Mercer Island, WA 98040
andrew.leon@mercergov.org

RE: SUB22-009 (Cui Preliminary Short Subdivision)
REVISED Request for Information #1
4833 90th Ave SE

Mr. Leon,

I represent Home Link Capital LLC (the “Applicant”), the owner and developer of the property located at 4833 90th Ave SE, Mercer Island, Washington (the “Property”) with respect to their Preliminary Short Subdivision application (the “Application”). I am in receipt of your REVISED Request for Information #1 dated June 5, 2023 (the “Review Letter”).

We appreciate your second review as it has clarified where additional information is actually needed. The Applicant has gone through the comments and provided updated information to address the issues you identified in the Review Letter, including submitting revised civil plans, a revised project narrative, and responses to your Review Letter. This response is primarily intended to address the arborist comments and the comments received from the neighbors.

The Applicant has retained a new arborist, Cascara Tree Consulting (“Cascara”). Cascara has provided a written response to the arborist comments in the Review Letter (the “Arborist Response to City Review Comments”), and has also provided an Arborist Report, a Tree Retention Plan and a Tree Planting Plan. From your review of these documents, it will be evident that the Applicant has satisfied the Mercer Island City Code (“Code”) requirements related to the retention and replacement of trees.

This should further be evidenced by the following responses to the public comments received from the neighbors:

First, you provided a copy of comments received from Michael Fink. Mr. Fink stated he had no issue with the property being subdivided and built on but asked the City to “enforce its tree ordinance” and “not allow the developer to take any more trees than are absolutely necessary.” As is demonstrated by the Arborist Report, Tree Retention Plan and Tree Planting Plan, the Applicant

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seeks to only remove those trees necessary for the development and the applications are in compliance with the City's Code provisions related to trees.

Second, you provided a copy of comments received from Veronika Ziegler. Ms. Ziegler expressed concern that the removal of Trees 3 and 4 on the Property may potentially cause some harm to some trees that are located nearby on her property and also expressed concern about the location of utility lines along the north of the Property. The Applicant must comply with utility provider requirements for utility lines and the location is dictated by those constraints. But, as is evident from the Tree Retention Plan provided herewith, Trees 3 and 4 will be retained. This satisfies Ms. Ziegler's request.

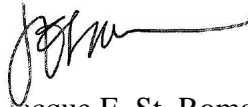
Finally, you provided a copy of comments received from Keith Chan. Mr. Chan requested that the Applicant retain Trees 10, 13, 3, 4, 5, 21, 24, 25, 67 and 68, in order to "conform to the appearance of the surrounding neighborhood." He also stated that he did not want Mercer Island to have "the same density as Bellevue or Seattle" and wanted to know if there was going to be a limit on building height. Because the City adopted code provisions allowing the type of density proposed by the Applicant, the Applicant must be allowed to subdivide and develop its property, even if neighbors would prefer less density. The Applicant will abide by the Code provisions related to density and height. With respect to the specific trees identified by Mr. Chan, Trees 3, 4 and 5 are being retained. As identified in the Arborist Report, Trees 13, 21, 25, and 67 are not viable trees. Thus, they cannot be kept by the Applicant. Of the trees identified by Mr. Chan, this leaves only Trees 10, 24, and 68 as viable trees that are being removed. Tree 10 is not an exceptional tree, is covered in ivy, and is being removed because of its size and its proximity to the houses being constructed on lots 1 and 3. Tree 24 is also not an exceptional tree and is located too close to the house to be constructed on Lot 3. Removing this tree is necessary to allow a house to be built on that property given the set back requirements. Finally, Tree 68 is an exceptional tree, but the trunk of Tree 67 (a non-viable tree) is growing so that it is touching and wrapping around the trunk of Tree 68. Retaining Tree 68 may not be possible when Tree 67 is removed. Further, Tree 68 is in the location where the house is planned to be located on Lot 1. The house footprint on Lot 1 cannot feasibly shift west to accommodate Tree 68 without impacting the slope along Island Crest Way.

The Code contemplates allowing an applicant to remove trees. Specifically, MICC 19.10.010(C) states only that an application is required for approval to remove trees as part of a development and that a minimum of 30% of trees will need to be retained. The Applicant is in compliance with this requirement, retaining 45% (10 of 22) of the viable trees on the Property. Further, while exceptional trees should be retained if possible, the Code recognizes that not all exceptional trees will be able to remain. The Applicant is conscious of the desire to have a lot of trees in the area to retain the feel of the neighborhood. For this reason, the Applicant plans to install 90 replacement trees over the Property. This will end with a net result of more trees on the Property, not less. Overall, the Applicant's plans are in compliance with the Code requirements and the Applicant is entitled to remove Trees 10, 24 and 68.

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Thank you in advance for your consideration of the information submitted in response to your Review Letter. We look forward to receiving a timely response to this letter and confirmation from all departments (particularly planning, fire and civil) that the plans, as proposed, are preliminarily approved so that the Applicant can proceed with preparing the next documents needed for the entitlement process. Should you have any questions, please do not hesitate to reach out to me at the contact information provided above.

Best regards,

A handwritten signature in black ink, appearing to read 'J. St. Romain', with a long horizontal flourish extending to the right.

Jacque E. St. Romain