

From: Andrew Leon <andrew.leon@mercerisland.gov>
Sent time: 2022/08/29 02:00:14 PM
To: Clayton Herbst <clayton@shedbuilt.com>; Prentis Hale <prentis@shedbuilt.com>; Greg Shiffler <greg@shedbuilt.com>
Cc: Ryan Harriman
Subject: RE: PRE22-043 Notes
Attachments: image001.png image002.png image003.png image004.png image005.png

Hello,

We spoke about retaining walls in the front yard at our planner meeting this morning. Under MICC 19.02.050(E)(1)(a)(ii), fences, gates, or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 42 inches within required front yards. The 42-inch retaining wall height limit applies to any combination of retaining walls, regardless of their separation. Therefore, the vertical distance from the bottom of the lowest retaining wall to the top of the highest retaining wall within the front yard setback must be 42 inches.

Please see my responses to you other questions in line [in blue](#) below.

Thanks,

Andrew Leon

Planner

City of Mercer Island – Community Planning and Development Department

206-275-7720 | mercerisland.gov/cpd

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From: Clayton Herbst <clayton@shedbuilt.com>
Sent: Friday, August 26, 2022 12:42 PM
To: Andrew Leon <andrew.leon@mercerisland.gov>; Prentis Hale <prentis@shedbuilt.com>; Greg Shiffler <greg@shedbuilt.com>
Cc: Ryan Harriman <ryan.harriman@mercerisland.gov>
Subject: Re: PRE22-043 Notes

great. looking forward to hearing your responses.

in addition, I've attached another package of diagrams that I'm hoping are really easy for you to approve!

1:garage and driveway studies. hoping this is a very easy approval. if driveway is perpendicular to road we cant use setback, if we have a turn we can use setback

To use the provision to locate a garage within the front yard setback (MICC 19.02.040(D)), there needs to be 4 feet of vertical distance between the elevation of the front property line and the bottom of the wall of the garage at its closest point to the front property line. Due to the gradient requirements listed in MICC 19.09.040(G), the garage would not be able to be placed in the front yard setback if the driveway is perpendicular from the street. The garage could be located in the front yard setback if there is a turn in the driveway, as shown on sheet A-002 of the provided document.

2: roof forms. per our meeting (and included in our meeting minutes) it is our understanding that all the attached roof forms should work oer the "downhill elevation height limit". please let me know if our code interpretation is not correct.

The roof forms shown on sheets A-301, A-302, and A-305 would meet the downhill façade height standard listed in MICC 19.02.020(E)(2). The roof form shown on sheet A-303 may meet MICC 19.02.020(E)(2) depending on the final design of the building. The roof form shown on sheet A-304 would not meet MICC 19.02.020(E)(2) and could not be approved.

thanks.

On Thu, Aug 25, 2022 at 3:29 PM Andrew Leon <andrew.leon@mercerisland.gov> wrote:

Hello,

Thank you for sending the diagrams with conceptual retaining wall configurations in the front yard. I would like to discuss your questions regarding the retaining walls with my manager and the other planners at our weekly meeting on Monday. I will get back to you with the results of our discussion on Monday afternoon.

Thanks,

Andrew Leon

Planner

City of Mercer Island – Community Planning and Development Department

From: Clayton Herbst <clayton@shedbuilt.com>
Sent: Thursday, August 25, 2022 12:29 PM
To: Andrew Leon <andrew.leon@mercerisland.gov>
Subject: Re: PRE22-043 Notes

Hey Andrew

Please let me know if your available for a phone call to discuss the above package. Just trying to get a quick yes/no on whether we are understanding the intent of the code.

Thanks!

On Tue, Aug 23, 2022 at 4:11 PM Clayton Herbst <clayton@shedbuilt.com> wrote:

Thanks Andrew.

That makes sense about the side / rear approach for the garage, seems unfeasible on our site but good to understand the intention.

As for the retaining walls. I want to confirm that I understand the correct offsets, heights and location. As you are aware, the entry point to the site is very steep and with covered parking required on site we will be forced to carve into the hill to accommodate a driveway. Because of the large carve and the height limit of these retaining walls we want to make sure we are employing an approved technique.

retaining wall parameter in yard

Max height = 42" per 19.02.050.f.1.ii

1:1 ratio separation per 19.02.050C.3

I have attached some diagrammatic schemes here that describe our thinking.

The first option is to use staggered / sloped retaining walls to get us down to the driveway level. As far as I can tell these seem to be consistent with the code language so long as the slope of the retaining walls are parallel and maintain a consistent 1:1 ratio. Can you please confirm that sloped retaining walls are allowed and that the layout is compliant?

The second has a retaining wall running parallel with a site stair. The stair and retaining wall would maintain the same 1:1 ratio offsets as the staggered site walls (stair is 42" tall, and 42" wide). In order for a DADU to be viable, we need access to the site that is both private and safe/secure. This option achieves that. however its not clear whether we need another retaining wall on the garage side of the stair. Can you please confirm that a site stair as shown is viable so long as the typical retaining wall req'm are met?

If you could please take a quick look and let us know that the options are more or less code compliant from a land use perspective that would be great.

Thanks for the continued help.

On Mon, Aug 22, 2022 at 5:54 PM Andrew Leon <andrew.leon@mercerisland.gov> wrote:

Hello,

To respond to your question regarding locating the garage within the front yard setback: MICC 19.02.040(D) is not designed to allow a garage in the front yard setback when the garage doors face the front property line. In cases when the garage doors face the front property line, the driveway will be too steep to meet the standards of MICC 19.09.040(G). The driveway and garage could be designed so either the side or the rear of the garage faces the front property line. In this case, the difference in grade between the front property line and the wall of the garage could meet the 4-foot requirement and the driveway could meet gradient requirements.

Did you have specific questions about retaining wall heights within front yards?

Thanks,

Andrew Leon

Planner

City of Mercer Island – Community Planning and Development Department

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From: Clayton Herbst <clayton@shedbuilt.com>
Sent: Monday, August 22, 2022 5:23 PM
To: Andrew Leon <andrew.leon@mercerisland.gov>
Cc: Greg Shiffler <greg@shedbuilt.com>; Ryan Harriman <ryan.harriman@mercerisland.gov>; Prentis Hale <prentis@shedbuilt.com>
Subject: Re: PRE22-043 Notes

Hey Andrew.

Are you available for a call tomorrow? Would like to get confirmation on the driveway setback info i sent on Friday. Would also like to discuss the retaining walls in the front yard to confirm I'm understanding the intent of the code.

Thanks!

On Thu, Aug 18, 2022 at 5:44 PM Andrew Leon <andrew.leon@mercerisland.gov> wrote:

Hello,

Please see my responses to your questions in line in blue below. Most of the questions in the email below were items I had marked during the meeting as things that I would need to research further and follow up on. That is the reason why there are some discrepancies on what I said at the meeting and what was included in the notes.

Thanks,

Andrew Leon

Planner

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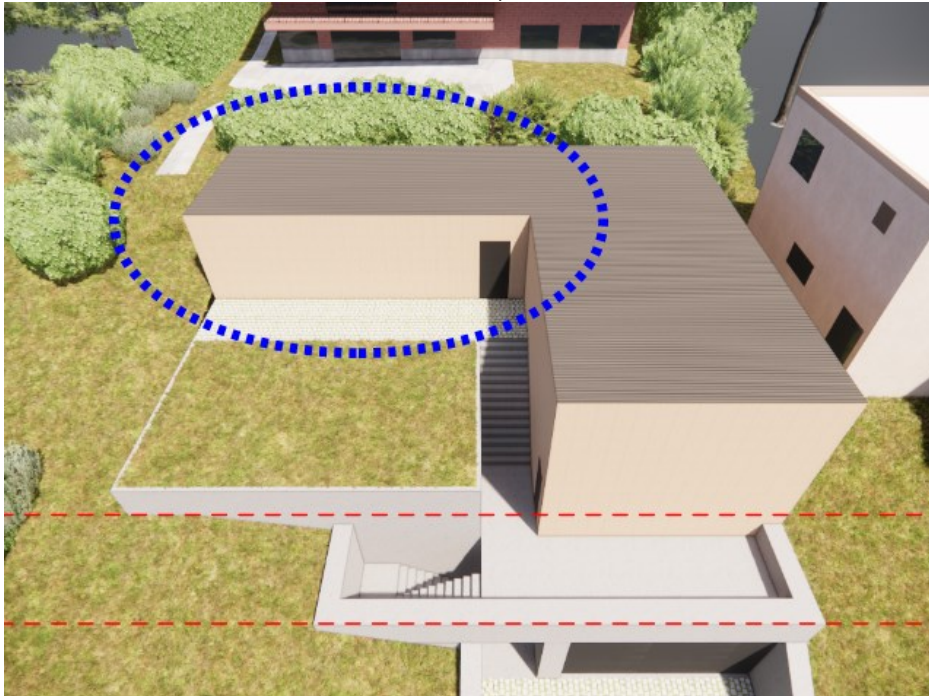
From: Clayton Herbst <clayton@shedbuilt.com>
Sent: Thursday, August 18, 2022 3:15 PM
To: Andrew Leon <andrew.leon@mercerisland.gov>; Greg Shiffler <greg@shedbuilt.com>
Cc: Ruji Ding <Ruji.Ding@mercergov.org>; John Kenney <John.Kenney@mercergov.org>
Subject: Re: PRE22-043 Notes

thanks Anrew, Ruji, and John for your time on Tuesday.

Andrew,

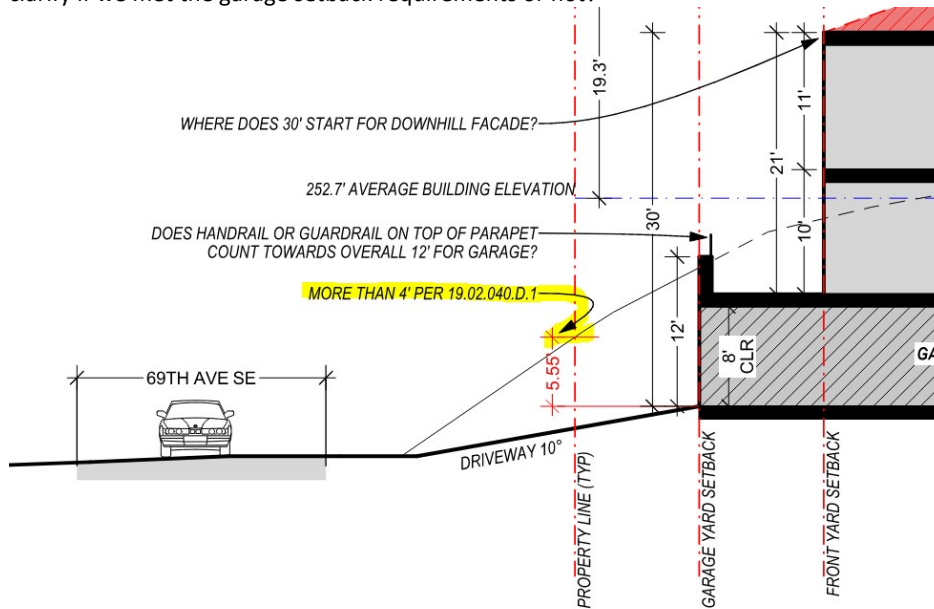
had a few questions regarding the responses in your notes.

>**question 4:** were we able to get confirmation that the 30' height limit is only applicable to the westernmost/downhill facade and not the back portion of the house circled in blue below?



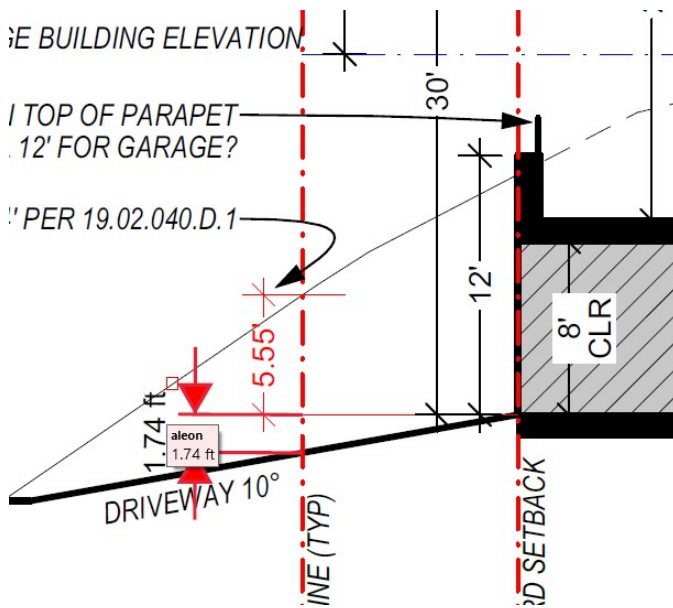
The portion of the house circled in blue above would need to meet the 30-foot height limit above the average building elevation. The circled portion would not need to be subject to the 30-foot façade height limit from the furthest downhill extent, which would apply to the portion of the house which is closest to the street.

>question 15: we had gotten verbal approval from you that our measurement below for the garage was correct, this is contradicted by your response in the notes that say it appears TO NOT meet the 4' requirement. can you please clarify if we met the garage setback requirements or not?



After the meeting on Tuesday, I revisited the code section regarding when a garage can be located within the front yard setback. MICC 19.02.040(D)(1) states that a garage may be located 10 feet from the front property line when there is greater than 4 vertical feet measured between the elevation at the bottom of the wall of the building and the ground elevation at the front yard property line where such property line is closest to the building. The elevations of both the intersection of the building and the ground, and the point of the property line closest to the wall of the building, shall be measured using the lower of the existing and finished grade.

The diagram above shows the elevation difference being measured from the vertical midpoint of the exterior wall of the garage. When I measured the difference of the elevation of the bottom of the exterior wall of the garage and the elevation of the front property at the driveway, the difference was about 2 feet. As proposed, the location of the garage would not meet the standards of MICC 19.02.040(D).



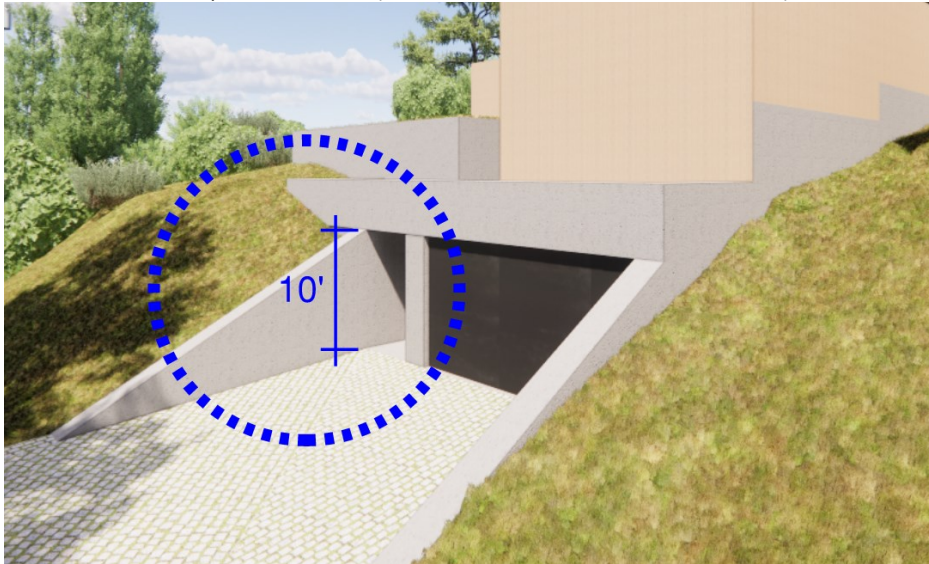
>question 16: we were told that guardrail would not count towards the 12' max which the note in this doc says otherwise. please clarify.

I discussed this issue with my manager. We determined that the exclusion of appurtenances from the building height allowed under MICC 19.02.020(E)(3) only applies to the main structure and would not apply to accessory structures, including the portion of the garage within the setback. The maximum allowed height for the portion of the garage, including parapet and railings, would be 12 feet above the lower of existing or finished grade.

>retaining wall in yard: had a question about the allowable retaining wall heights in yards. we had discussed that they were only allowed to be 48" tall, however the notes in this doc it says that they are allowed to be up to 144" in height.

- height calculations
- d. Retaining walls and rockeries – Requirements.
 - i. A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the Construction Administrative Code and Chapter 17.14 MICC.
 - ii. Any rockery requiring a building permit shall be designed and inspected by a licensed geotechnical engineer.
 - iii. Drainage control of the area behind the rockery shall be provided for all rockeries.
 - iv. **Maximum height in required yard – Cut slopes.**
 1. No retaining walls or rockeries, or any combination of retaining walls or rockeries, to the extent used to **protect a cut or cuts into existing grade within any required yard, shall exceed a total of 144 inches in height.**

though maybe not applicable for the stairs i wanted to confirm that our proposed retaining walls for the driveway were still allowable per this section (circled in blue in the screenshot below)



MICC 19.02.050(E)(1)(a)(ii) states that fences, gates, or any combination of retaining walls, rockeries, and fences are allowed to a maximum height of 42 inches within the front yard setback. This means that all retaining walls within the front yard setback are limited in height to 42 inches. Since this section is more restrictive, it overrides the section you copied above.

that's all! thanks!

On Thu, Aug 18, 2022 at 11:39 AM Andrew Leon <andrew.leon@mercerisland.gov> wrote:

Hello,

Thank you for attending the virtual Pre-Application Meeting earlier this week to discuss a proposal to construct a new single-family residence at 3024 69th Ave SE. I have attached the staff notes for the meeting to this email. If you have any questions, please reach out to the respective staff contact listed in the notes.

Thanks,

Andrew Leon

Planner

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