

APPLICANT'S RESPONSE TO LETTERS FROM NEIGHBORS

June 6, 2025

CA023-014

As requested by the City of Mercer Island, the applicant provides the following responses to inquiry and objection comments received from neighbors to the proposed new house site. *Neighbors' letters are quite long, therefore their concerns and questions are summarized in blue below.* Our response to each individual point follows in **bold**.

Response to email dated September 30, 2023, to Jeff Thomas from Drs. David and Barbara Beatty, Owners and residents of 5419 96th Ave SE:

1. *Concern about condition of existing garage located in the middle of the site.*
According to the Project Description on page iv of the Wetland Resources, Inc. (WRI) Critical Area Study revised on February 22, 2022: "The applicant proposes to remove an existing garage from the buffer of Stream A. The area will be revegetated." Lotus Landscape Design Sheet L-2 dated June 5, 2025, shows the layout and sizing of plants as recommended by WRI which will be planted after removal of the garage.

2. *Concern related to a qualifying statement on page 2 para 2.1 Limits of Study of the WRI report: "Lack of legal access to nearby parcels prevents WRI staff from performing routine wetland and ordinary high water mark determinations in off-site areas." prompted two questions:*
 - a. *Was access requested to adjacent parcels?*
 - b. *If requested was access denied?*

The first sentence of 2.1 quoted above is a standard caveat in a report of this kind explaining why, as stated in the next sentence: "Critical area boundaries depicted outside of the subject property / right-of-way are estimated using best professional judgement and visual observation for the edge of legal access." It is not meant to imply that access was needed for the purposes of this report. Therefore, no access was requested.

3. *Concern that without additional design documentation there remain unresolved issues that preclude the Geotech from fully signing off, and do not allow the neighbors to understand how this new house will look or impact the neighborhood.*

Correct, that is why the City of Mercer Island has a Building Permit process and as part of that process will require that the Geotech review the finalized permit set to confirm in writing that all other consultants have demonstrated conformance with the Geotech report recommendations. The new house is proposed to have 3 levels. Per SP-01 Civil plan by Atwell dated 4/3/2025, the lowest floor is at Elevation 74 which matches the existing grade onsite where the garage entrance will be located. The middle floor is elevation 84, the upper floor is at elevation 94. The height of the roof will not exceed the code height limitations and these calculations will be shown on the subsequent building permit submittal.

4. *Similar to item 3, concern about cut and fill approach to construction and lack of architectural and structural engineering design and documentation.*

Yes, again, these are not requirements for the Critical Area Review, but are required for the Building Permit which has not yet been submitted.

5. *Concern that the shared access road proposed for servicing 9433 SE 54th Street will not be adequately wide [Fire Service assessment notes a 10 ft width] and may be damaged by earth moving or other heavy vehicles needed for the construction of a new home.*

Questions posed:

- a. *What is the vehicle weight capacity of the access road?*
- b. *Who owns the access road to 5419 and 5425 96th Ave SE?*
- c. *Who is responsible for its maintenance?*

The "Private Road" is shown as having a 15' width on the Chadwick & Winter's survey prepared on 4/25/23. It is also shown as 15 feet wide on the original Cay Hills Plat recording # 196208295473100 Book of Plats volume 70 page 95. King County Parcel Viewer shows this tail of the private road is parcel #143570TRCT. A King County eReal Property Search notes that this parcel is "owned and maintained by multiple owners for the purpose of ingress/egress and/or utility facilities". This is also the case for Parcel 143870TRCT which is the private road off E Mercer Way called SE 54th St and later 96th Ave SE. I was unable to find an easement document or HOA agreement that states how any of these roads are to be maintained or to what standards they were constructed. Both Trang Pham and Grace Manahan at the City of Mercer Island also searched City records and were unable to find answers regarding the standards to which the private road was designed or an agreement that describes the responsibility for maintenance of the private roads.

The condition of the private access road will be video captured prior to any work including demolition starting on the site. Contractor will monitor road conditions during construction and will make appropriate delivery decisions to minimize risk of damage.

6. *Concern that a building permit was never pulled for interior renovations to 5425 96th Ave SE and therefore questioning if inspections were conducted and if renovations meet code.*

MyBuildingPermit.com records indicate that Permit # 2106-192 to add 105 SF to existing deck and to remodel kitchen was applied for on 6/21/2021, issued on 4/28/2022 and the final inspection was approved on 7/19/24.

Continued....

Response to letter dated October 17, 2023, to Grace Manahan from Michael and Jenny Yeh, Owners and residents of 9425 SE 54th St in which neighbors ask for adequate mitigation measures to address the following concerns:

1. *Increased Landslide Risk: Excavation, removal of soil, and removal of trees are all listed as factors that increase landslide risk. Neighbor also asks City to protect exceptional trees in this environmentally critical area.*

Landslide risks will be reduced for 9425 SE 54th St. after the Project construction is completed because the new 9433 SE 54th St. house and its foundation / retaining wall will provide engineered support to maintain the hillside above (north of) the new house.

Within the boundaries of the new proposed house roof, water which would otherwise have fallen onto the landslide-prone steep slope (and in a heavy rain potentially saturating that slope and causing instability), will now be captured and directed to a storm water detention system. Design of this storm water system is shown on SP-01 prepared by the Civil Engineer, Atwell Group, on 4/3/2025.

As shown on L-1 dated April 28, 2025, prepared by Lotus Landscape Design, the plans call for removing (14) on-site trees and (1) off-site tree. We are required to retain 30% of the (36) on-site trees and are proposing to maintain 61% of the total existing trees. (39) replacement trees are provided onsite per code. See L-2 dated April 28, 2025, for location of these replacement trees.

2. *Water Runoff and Erosion: Changes in natural drainage due to construction can redirect water flow to neighboring homes. City is requested to require adequate drainage and retention of water during construction.*

TP-01 issued 4/3/25 by Atwell Group Civil Engineers shows the Temporary Erosion Control measures which will be put in place before any earthwork is begun. The clearing area is limited to the location of the new house and cul-de-sac. Tree protection fencing will be located on the west edge of the clearing limits to protect Tree # 8404 located on the shared property line. Water flows downhill, so silt fencing is proposed along the downhill (south) side of the clearing area. Water is then channeled to an outfall with diffuser T north of the existing creek. Per SP-01 by Atwell dated 4/3/25, a 31 ft long, 60-inch diameter detention pipe is to be provided below grade in the area of the proposed cul-de-sac east of the new house.

3. *Structural Damage to Foundation and Home: Construction activities can cause ground movement or subsidence of neighbor's foundation and then structural problems or sheetrock cracking. City is requested to require adequate mitigation measures during excavation and construction.*

Applicant agrees. See proposed measures below items 1 – 4.

Michael and Jenny Yeh encourage the City to require the following, which the applicant and Owner of 9433 54th Ave SE agree will be performed as follows:

1. *Preconstruction Surveys.*

9433 54th Ave SE agrees to conduct preconstruction surveys using videos and /or photographs to accurately document the conditions of adjacent homes and shared access road so that there is a record baseline for comparison in the event that Work during on-site tree removal, shoring, excavation and foundations, and permanent retaining wall construction were to cause damage to those adjacent structures.

2. *Careful Planning and Sequencing.*

Construction will be undertaken with forethought to minimizing potential impacts on neighboring homes and property. Contractor will follow all City rules and regulations and any special conditions placed on the development of this Project by the City of Mercer Island. Earthwork activities shall only occur during the 'dry season' and as weather permits to minimize soil erosion and landslide potential.

3. *Monitoring.*

9433 54th Ave SE will hire a qualified 3rd-party inspection firm to monitor movement of neighbor's foundation, and temporary shoring once that is in place, until such time as the City inspector agrees the permanent retaining wall is fully completed and braced by permanent floor slabs and structure such that there is no longer a risk of movement to the foundation of the adjacent house.

4. *Additional City Inspections.*

9433 54th Ave SE will employ the Geotechnical Engineer to be onsite providing observation during earthwork activities and will follow the field direction of the Geotechnical Engineer should conditions be encountered that are not anticipated in the Soil Report recommendations.