

Response to April 17th Review Letter 15928 77th Ave SE, Mercer Island, WA**CA024, SEP24-017, DEV25-005****General:**

- 1) Sheet A1.1 - 20 foot front yard setback is correctly labeled and the 10 foot front yard setback is added and labeled.
- 2) Sheet A1.1 - All critical area zones are called out by color and labeled. The building footprint is also updated
- 3) Sheet A1.0 and all other site plans - The 10' setback shown on the lot line revision is an error and is not defined in the recorded access easements. The following is a statement regarding the 10' setback from the Bauman's land use attorney, Chase Alvord, of Tousley Brain Stephens:

I see no requirement anywhere for a 10' foot setback from the access easement other than the depiction on the Lot Line Revision (20011108900001). It does not appear in either of the recorded easement documents referenced (20001206001392 or 20001206000694). It does not benefit neighboring Parcel B (tax parcel 6156000040) in any way and so there is no reason for the Baumans to enforce it against themselves. It appears to be a misreading of the applicable City setback requirements by the surveyor, or the application of an old setback requirement that is no longer in force. See the 20' front yard setback that is part of the same line.

The main level deck and outdoor stair are removed from the 5' access easement setback. See sheets A1.0, A1.1, A2.0, A2.1.

- 4) The 10' and the 5' wetland buffer are shown on the plans A1.0 and A1.1. Relief from the buffer is requested as part of the Reasonable Use Exception.

DEV25-005:

- 1) The setback deviation provides increased protection from the following four critical areas:
 - a. Watercourse: The deviation would improve the distance of the watercourse from the proposed house by 10' - from 26'-6" to 36'-6" at the north face of the garage. This is the closest point of the proposed house. The coverage by the proposed house within the watercourse

setback would remain the same as the setback covers the entire buildable area within the site. However, increased distance from a critical area increases protection.

- b. Piped Watercourse: The deviation would improve the distance from the piped watercourse by 10' – from 10' to 20'. The area within the 45' setback is reduced by 861sf – a reduction of 40% (from 2,108sf to 1,247sf)
 - c. Wetlands: The deviation would improve the distance from the edge of the wetland by 10' – from 32' to 42' at the nearest face of the garage. This would also remove the proposed development completely from the 40' wetland buffer. The following areas have been reduced by:
 - i. 40' Wetland buffer from 110 sf to 0sf – 100% reduction
 - ii. 5' setback buffer from 164sf to 19sf – 88% reduction
 - iii. 5'-10' setback buffer from 166sf to 106sf – 36% reduction
 - d. Steep Slope – Landslide Area: Reduction of 247sf of coverage to 128sf – 48% reduction. The use of deep foundation support elements within this area to support the proposed home will also serve to stabilize the slope. Please refer to the geotechnical engineer's letter.
- 2) See response to number 1 comment
- 3) The deviation is compliant with the following applicable sections of the Comprehensive Plan ORD 24C-16:
- a. Goal 7.1 – The deviation preserves the neighborhood character in increasing the setback in relation to the existing home. The existing home is 5' from the front property line. The proposed location is 10' from the property line. Additionally, the city access street to the home is completely separated from the surrounding neighbors so that the setback is both difficult to see from the main access street and the home is not seen in relation to the neighbor's setbacks from their respective streets. Please refer to Appendix B: view down city right of way.
 - b. Goal 7.2, 7.3, 7.4, 7.5 are not applicable
 - c. Goal 7.6.1 – The deviation will allow the placement of a 3 car garage which will remove cars from off-street parking.
 - d. Goal 7.6.2 – The deviation will allow for the retention of greater landscape areas within the bounds of the critical areas noted in the response to comment number 1.
 - e. Goal 7.6.3 – not applicable
 - f. Goal 7.6.4 – The deviation will have no effect on the allowable zoning envelope of the home. The proposed home and location will be compatible in scale, form and character with the surrounding neighborhood.

- g. Goal 8 – The deviation is a key part of the RUE which will allow new development on the site of a home that matches the average size of the neighborhood homes. The proposed home is larger than the existing home and would be able to accommodate a medium-sized family whereas the existing home is much smaller. This effectively increases the density of the neighborhood. The proposed home is also designed to allow the owners to age in place by creating an attached garage at the same level as the living areas of the home. The stair in the proposed home will also be able to accommodate a future mobility device to allow the owners access to all floors in case of impairment in their mobility.
- h. Goal 9 – not applicable
- i. Goal 10 & 11 – Natural Environment Policies are answered in the response to Comment number 1 and the application narrative and materials.

CA024-029:

- 1) The storm drain that crosses the Bauman property from east to west is entirely underground across the property. The storm drain is buried between 8-13 feet deep. Excavating the drain and daylighting the stream is not feasible for this property. At a stable slope pitch of 1:4 the width of the excavation would be approximately 100' wide – this would cover the entire site. A steeper pitch would be vulnerable to both erosion and landslide events. Any excavation activity would negatively impact several critical areas including a Type F watercourse and a Category IV wetland by creating massive re-grading within their setback buffers. The excavation and resulting slope would also increase the amount of steep slope on the property which the Mercer Island GIS identifies as having landslide risk. The excavation would also severely endanger 13 trees over 6" caliper – 3 of which appear to be graded exceptional. At the east end of the site the open watercourse enters the culvert approximately 11 feet before the property line. The excavation effort would leave this 11 foot section within a culvert as it is not on the Bauman's property. For these reasons it is not feasible to excavate and daylight the storm drain within the Bauman Property. Please refer to Sheet A3.2 Site Section.
- 2) The amount the proposed residence encroaches into the critical area buffers:
 - a. 45 foot piped watercourse:
 - i. Existing home – 18'-3"
 - ii. Proposed home – 35'-8"
 - iii. Proposed home w/ front setback dev. – 26'
 - b. Wetland 10 foot buffer setback:
 - i. Existing home – 10'

- ii. Proposed home – 10'
 - iii. Proposed home w/ front setback dev. – 7'-8"
 - c. Wetland 40 foot buffer:
 - i. Existing home – 8'-4"
 - ii. Proposed home – 7'-7"
 - iii. Proposed home w/ front setback dev. – 0"
 - d. Wetland 120 foot watercourse setback:
 - i. Existing home – 87'-0"
 - ii. Proposed home – 96'-10"
 - iii. Proposed home w/ front setback dev. – 87'-0"
 - e. Steep Slope Area:
 - i. Existing home – 8'-6"
 - ii. Proposed home – 15'-4"
 - iii. Proposed home w/ front setback dev. – 12'-0"
- 3) The landslide hazard Area does not require a buffer. Please refer to the letter from Anthony Coyne PE, of Otto Rosenau & Associates.



APPENDIX B

VIEW DOWN CITY RIGHT OF WAY.
EXISTING HOME IS ON LEFT HAND SIDE