

August 20, 2025

Mr. Ryan Herriman
City of Mercer Island
Community Planning & Development
9611 SE 36th Street
Mercer Island, WA 98040

Subject: Covenant Village at the Shores; Mercer Island, WA
Pre-Application Meeting (PRE-25-035) Comment Response Letter

Dear Ryan:

Thank you for your review of the permit documents and your comments letter dated June 17, 2025. We at Navix Engineering have prepared comment responses below and hope you find the resolution of the review comments acceptable. Please feel free to contact me with any questions or coordination items you have.

Mark Jung, East Side Fire and Rescue:

1. Sprinkler information
 - a. 903.3.1.1 and 903.3.1.2 as amended by the City of Mercer Island – A fire sprinkler system shall be installed in accordance with NFPA 13 and Mercer Island Standards.

Navix Response: Acknowledged.

2. Fire Alarm information
 - a. IFC 907.2 as amended by the City of Mercer Island – A an AUTOMATIC fire alarm shall be installed in accordance with NFPA 72 and COMI standards. Link to Mercer Island Commercial Fire Alarm Standards:
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_and_development/page/24361/commercial_fire_alarm_standards_2022.pdf

Navix Response: Acknowledged.

3. Hydrant and fire flow information

- a. Estimated fire flow in accordance with Appendix B for Type V-A construction (40,000 SF) with fire sprinklers = 1,750 GPM appears to be available

Navix Response: Acknowledged.

- b. Hydrant placement and spacing in accordance with Appendix C = Spacing approximately 500-feet, not more than 250-feet to any point along the fire access.

Navix Response: Acknowledged.

4. Access road (2021 IFC Appendix D)

- a. Dead-end access road is more than 500-feet. Newly constructed fire access roads serving this structure must be paved 26-feet wide (exclusive of parking). Dead-end is measured from the point where a fire apparatus can proceed without reversing or using a turnaround to exit.

Navix Response: The fire lane has been widened to 26-feet as requested.

- b. Turn Around. Code requires a turnaround for any access road that exceeds 150-feet. The turnaround presented appears to be in compliance with Appendix D

Navix Response: Acknowledged.

- c. Access road appears to provide fire apparatus access to within 150-feet of all points Slope. Slope appears to be less than 10 percent as required.

Navix Response: Acknowledged. Slope is also now noted on the grading plan for detail.

5. IFC Section 507.5.1.1 as amended by the City of Mercer Island – Locate the FDC on the building side of the fire access road along with a hydrant within 15-feet of the FDC.

Navix Response: Added fire hydrant off water main and located within 15-feet of the proposed fire department connection.

6. Fire permits required

- a. Fire Sprinkler

Navix Response: Acknowledged.

- b. Fire sprinkler/standpipe underground supply

Navix Response: Acknowledged.

- c. Fire Alarm

Navix Response: Acknowledged.

- d. Emergency responder radio communication system

Navix Response: Acknowledged.

- e. Commercial kitchen hood fire suppression system

Navix Response: Acknowledged.

Ruji Ding, City of Mercer Island (Civil Engineering):

1. Please refer to MICC Title 15 for our Water, Sewers, and Public Utilities code.

Navix Response: Acknowledged.

2. Question #7: Please confirm the proposed storm drainage connections to each of the existing public outfalls are acceptable.

- The plan to connect from the WQ facility looks good, as long as the new storm drain manhole (SDMH) is accessible for the City. We'll also need a new access easement so City staff can reach the new catch basin (CB).

Response: Acknowledged. An access easement will be provided in a subsequent submittal.

- Discharging into the ditch is fine too, as long as the ditch from the discharge point to the lake has enough capacity and is in good shape. If the ditch isn't in good condition, it may need to be restored.

Navix Response: The current storm drainage design does not include a connection to either of the public stormwater outfalls nearby the new building.

3. Question #8: regarding the water easement.

Answer: It is the same process as previously communicated. Here is the outline:

- The updated request only includes the water easement and water line.

Navix Response: Updated easement documents have removed the previously proposed public storm drainage bypass and now only include the water easement information.

- Address comments from Patrick.

Navix Response: Comments addressed from Patrick as requested.

- Send the updated documents.

Navix Response: The updated documents will be emailed to Ruji and Patrick in parallel to this submittal, and are updated per Patrick's latest comments.

- Go to the council for approval.

Navix Response: Acknowledged.

Gareth Reece, City of Mercer Island (Building Department):

1. No building or construction code questions were submitted, please feel free to follow up with any questions regarding fire separation, egress, building area, occupancy, etc, as these designs are developed.

Navix Response: Acknowledged.

Ryan Harriman, City of Mercer Island (Planning Department):

Design requirements.

1. Plans for any development on property located in an MF zone shall be submitted to the design commission for its approval as set out in MICC 19.15.220. This requirement does not apply to property owned by or under the control of the city or to single-family dwellings.

Navix Response: Acknowledged.

Uses permitted in zone MF-3.

1. Any use permitted in zones R-8.4, R-9.6, R-12, and R-15.

Navix Response: Acknowledged.

2. Multiple-family dwellings

Navix Response: Acknowledged.

3. Care services subject to the following conditions:

- a. The facility shall meet all licensing requirements prescribed by applicable federal, state, county and local law.

Navix Response: Acknowledged.

- b. Retirement homes shall provide one off-street parking space for every two dwelling units.

Navix Response: Acknowledged.

- c. Nursing homes shall provide one off-street parking space for every four beds.

Navix Response: Acknowledged.

- d. Daycare facilities shall provide one off-street parking space for each employee, with a minimum of two parking spaces.

Navix Response: Acknowledged.

- e. Rooming houses, as provided in MICC 19.06.080.

Navix Response: Acknowledged.

Building height limit.

1. MF-2, MF-3: No building shall exceed 36 feet or three stories in height, whichever is less, except appurtenances may extend to a maximum of five feet above the height allowed for the main structure.

Navix Response: Acknowledged.

2. Building height for buildings within the MF-2 and MF-3 zones shall be calculated using the method described in MICC 19.11.030(A)(3).

Navix Response: Acknowledged.

Density and lot requirements.

1. In the MF-3 and MF-2L districts, the maximum allowed density is 26 units per acre.

Navix Response: Acknowledged.

2. Lot width shall be at least 60 feet, and lot depth shall be at least 80 feet.

Navix Response: Acknowledged.

Yard requirements. Except as provided elsewhere in this section, each lot shall have front, side and rear yards not less than the depths or widths following or as approved by the design commission:

1. Front yard depth: 20 feet.

Navix Response: Acknowledged.

2. Rear yard depth: 25 feet.

Navix Response: Acknowledged.

3. Side yard depth: 20 feet provided the side yard depth may be reduced to ten feet when adjacent to an MF, B, CO, PBZ or TC zone.

Navix Response: The project is pursuing a setback deviation to reduce the side yard setback to 14 feet, within allowable limits per City code. Please refer to the included Setback Deviation Application.

Lot coverage. Except as otherwise provided in this section, not more than 35 percent of any lot shall be covered with structures.

MICC 19.15.220 Design Review

- A. The intent of the design review process is to ensure that regulated development in all land use zones complies with design objectives and standards established in chapters 19.11 and 19.12 MICC.

Navix Response: Acknowledged.

- B. No building permit or other required permit shall be issued by the city for development of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to this chapter. Deviations from a plan approved by the design

commission or code official shall be permitted only upon the filing and approval of an amended plan. In no instance shall the design commission's or code official's action conflict with the city's development code or other applicable city ordinances or with state or federal requirements. Certain development and activities that do not require a permit are subject to design review as provided in subsection (C)(1)(c) of this section.

Navix Response: Acknowledged.

- C. Time frame and procedure. Design review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.040, Review procedures. Design review is not subject to the one open record hearing requirement or consolidated permit review processing.

Navix Response: Acknowledged.

- D. Written recommendations. All decisions of the design commission shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.

Navix Response: Acknowledged.

- E. Study session. In addition to the preapplication meeting, an applicant for a project that will require design review and approval by the design commission shall meet with the design commission in a study session to discuss project concepts before the plans are fully developed. At this session, which will be open to the public, the applicant should provide information regarding its site, the intended mix of uses, and how it will fit into the focus area objectives. The design commission may provide feedback to be considered in the design of the project.

Navix Response: Acknowledged.

- F. Plan submittal. All materials shall be submitted a minimum of 30 days prior to any meeting dates including study sessions, public meetings, and public hearings. The final plans shall be in substantial conformity with approved preliminary plans.

Navix Response: Acknowledged.

Chapter 19.07 MICC - Environment:

The subject property contains environmentally critical areas, specifically, the subject property is within the mapped seismic hazard area, potential landslide hazard, and erosion hazard areas. The subject property also contains wetlands and watercourses. A critical areas review 2 (CAR2) is

required. A critical area study consistent with MICC 19.07.100 is required, and an analysis of MICC 19.07.160, MICC 9.07.180, and MICC 19.07.190 will need to be included.

Wetland Resources Response: *Wetland Resources, Inc. prepared a Critical Area Study & No Net Loss Plan that is consistent with MICC 19.07.100 (Mitigation sequencing), which includes a discussion of compliance with MICC 19.07.180 (Watercourses) and 19.07.190 (Wetlands). Compliance with MICC 19.07.160 (Geologically hazardous areas) is addressed in the Geotechnical Report prepared by Terra Associates, Inc. Chapter 19.10 MICC - Trees:*

1. Please refer to MICC 19.10 for our tree code.

Navix Response: *Acknowledged.*

2. The proposed development is subject to MICC 19.10.060(B) Commercial or multifamily zoning designations—Tree removal.

Navix Response: *Acknowledged.*

3. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070.

Navix Response: *Acknowledged.*

4. Tree protection (typically at tree dripline) of retained trees will be required

Navix Response: *Acknowledged.*

5. Sequential (phased) tree removal may be required (only remove trees necessary at each step of the review process)

Navix Response: *Acknowledged.*

For shoreline development, please provide the following:

Please illustrate existing trees (type, diameter, driplines) located near the proposed development. If there is a recent building permit for an addition or new house: if the property has a required shoreline planting plan per MICC 19.07.110(E)(9)(d), please illustrate the existing shoreline plantings and integrate the proposed vegetation with this project. (E)(9)(d) requires all development adding over 500sf of GFA or impervious surface requires a native shoreline vegetation plan.

Navix Response: *Shoreline Planting Plan and Tree Plan included in this submittal package for review.*

Please provide a tree protection plan for all development that will impact regulated trees.

Navix Response: See Tree Plan included in this submittal package for review.

Chapter 19.12 MICC - Design standards for zones outside town center

This chapter establishes design standards for regulated improvements in all zones established by MICC 19.01.040, except Town Center. Design standards for Town Center are set forth in chapter 19.11 MICC. These standards are in addition to any other standards that may be applicable to development in the zone in which the development occurs.

Navix Response: Acknowledged.

Chapter 19.13 MICC – Shoreline Master Program:

1. Shoreline

1. Development is limited within 50 feet of the Ordinary High Water Mark (OHWM): 10% lot coverage and impervious surface is allowed within 0-25 feet of OHWM and 30% is allowed within 25-50 feet from the OHWM).

Navix Response: Acknowledged.

2. No structures are allowed within 25-feet of the OHWM.

Navix Response: Acknowledged.

3. MICC 19.13.050 applies.

Navix Response: Acknowledged.

4. Shoreline jurisdiction is measured 200-feet landward from the OHWM. Height limitations for development within the shoreline environment.

Navix Response: Acknowledged.

5. Is it possible to relocate the fire access?

Navix Response: The proposed fire access location is the only feasible location on site and remains in the location as previously proposed.

2. Shoreline Permitting

1. A Shoreline Substantial Development Permit is a Type III land use permit and Shoreline Conditional Use Permit is a Type IV land use permit. These will be consolidated and will require the following:
 - A Determination of Complete Application within 28 days of submittal;
 - A 30-Day Public Comment Period beginning with 14 days of Determination of Completeness;
 - Permit Review (timeline depends on content of application materials in each submission and responsiveness of the applicant);
 - A Notice of Public Hearing 30 Days prior to the date of hearing;
 - A Public Hearing with the Hearing Examiner resulting in a recommendation to the Department of Ecology; and
 - Final Decision by the Department of Ecology followed by an appeal period.

Navix Response: Acknowledged.

3. There will be two applications and application fees, but the applications will be consolidated to a Type 4 Land Use Review pursuant to MICC 19.15.030(F)(4). There will be one decision and one public hearing conducted by the Hearing Examiner. The decision will then be transmitted to Ecology and the Attorney General's Office for approval.

Navix Response: Acknowledged.

Chapter 19.21 MICC – Environmental Procedures:

- A. State Environmental Policy Act (SEPA) Review
 1. The proposed scope of work requires SEPA review.

Navix Response: Acknowledged.

MICC 19.03.020 Parking requirements.

- A. Parking lot dimension. All parking areas shall conform to the design standards set out in appendix A of this development code unless alternative design standards are approved by the design commission and city engineer.

Navix Response: Acknowledged.

- B. Except as otherwise provided in this chapter, each lot shall also meet the following parking requirements.
 1. Off-street parking shall be established and maintained at a minimum ratio of two parking spaces for each unit in a multiple-family dwelling.

Navix Response: Acknowledged.

2. Parking shall not be allowed in front yard setbacks.

Navix Response: Acknowledged.

3. Group parking areas shall be screened from view from streets and adjoining properties. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within two years.

Navix Response: Acknowledged.

4. Notwithstanding any of the minimum parking requirements set out in this subsection, the code official may grant variances from the minimum parking requirements with the approval of the city engineer and the design commission for projects reviewable by the design commission.

Navix Response: Acknowledged.

5. All off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking area shall use paint or similar devices to delineate parking stalls and directional arrows.

Navix Response: Acknowledged.

6. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served, except that off-street parking may be located in an area beginning within 500 feet of the front entrance of the building to be served; provided, there are no intersecting streets between the parking area and building to be served.

Navix Response: Acknowledged.

7. The city engineer shall have the authority to fix the location and width of vehicular entrances and exits to and from property, and to alter existing entrances and exits as may be required to control street traffic in the interest of public safety and general welfare.

Navix Response: Acknowledged.

8. Off-street parking shall meet the relevant state design standards for the physically handicapped.

Navix Response: Acknowledged.

9. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces shall be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

Navix Response: Acknowledged.

Other Items:

- A. Underlying Plat limits
 1. Conditions
 2. Covenants
 3. Easements

Navix Response: Acknowledged.

B. Easement:

1. Vehicular Access Easements. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

Navix Response: Acknowledged.

2. Utility and Other Easements. 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.

Navix Response: Acknowledged.

C. Impact fees

1. Transportation

2. Parks

- i. Note that fees are due at the time they are assessed--they do not vest until the time of building permit application.

Navix Response: Acknowledged.

- D. Transportation Concurrency: Please apply for a transportation concurrency certificate at the same time as the design review. Traffic Impact Analysis.

Navix Response: The proposed project has been revised to remove all new apartment units. Therefore, the project will not generate additional trips and a concurrency review is no longer applicable.

- E. Vesting: Please see the standards in MICC 19.15.170.

Navix Response: Acknowledged.

F. Application fees

1. Deposit due at time of application

Navix Response: Acknowledged.

2. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.

Navix Response: Acknowledged.

3. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.

Navix Response: Acknowledged.

G. Past Department of Ecology Comments:

1. Trees & No Net Loss:

- i. It appears that quite a few trees will be removed, many of these within shoreline jurisdiction. They propose planting of 72 replacement trees though it is unclear where the planting will occur, the species proposed, and what monitoring and performance standards will be proposed in their pending tree replacement/planting plan.

Navix Response: Acknowledged.

2. Pavement & Parking:

- i. It sounds like the fire access road may need to be installed to meet code— does it have to be within the shoreline? (MICC 19.13.050(C)(3) and (4))

Navix Response: The location shown on the plans is the only feasible location on the project site to install the fire access road required by the fire department.

- ii. A portion of pavement (fire access road will be permeable, is it possible to reduce the total area of impermeable pavement proposed?

Navix Response: The fire lane surfacing will be impervious to allow garbage trucks and other service vehicles to use the fire truck turn around to exit the site.

3. Use:

- i. Is this a retirement home located on property used primarily for a place of worship (Table A)? If not, then it seems that this would be multi-family residential (this is what the parcels seem to be zoned for) or commercial use which I don't see in the table. Is that a SCUP trigger?

Navix Response: No. The project is a shared commons space to support the retirement community. No additional residential units are proposed. This project triggers a Shoreline Conditional Use Permit (SCUP) which is included in this submittal package.

4. Setback:

- i. What is the proposed setback from OHWM? This should be identified on the drawings along with the OHWM.

Navix Response: 71-Feet as shown in the Site Improvement Plan

5. Regarding building height:

- i. The applicant references zoning ordinance but not the height limits outlined in the SMP in the Conceptual Design (July 13, 2023).

THW Response: The current design does not exceed 35'.

- ii. Measurement needs to be based on 'average grade level.'

THW Response: The current design does not exceed 35' from average grade level.

- iii. It's not clear what the eave heights shown in the Conceptual Design drawings (dated July 13, 2023) are based on, and whether this would be the full height at any one point. For example, will there be any rooftop terraces or ornamental components above the eaves?

THW Response: The current design does not have any rooftop terrace or ornamental components other than the HVAC equipment screening.

- iv. The height limit for all structures is listed as being the same as the development code but "shall not exceed a height of 35 feet above average building elevation" per Table C of the City's SMP. More information is needed on average building elevation.

THW Response: The current design does not exceed 35' from average building elevation.

- v. (In terms of the zoning code, it appears that the building height limit is 36 feet or three stories, whichever is less. Density is limited to 26 units per acre—does this proposal meet the density requirement? (MICC 19.03.010)

THW Response: The current design is two stories and 35' which fulfills the requirements. No change has been made to the existing unit density. This building is for commons use only.

- vi. What is the proposed height of the fire access gate?

Navix Response: The fire access gate has been removed from the plans and is no longer proposed.

6. Other development standards would need analysis to ensure compatibility (e.g., hardscaping and lot coverage) per Table C.

Navix Response: See site data tables on the Site Improvement Plan for a breakdown of pre- and post-development project areas.

7. Stormwater:

- i. On the Storm Drainage and Utility Exhibit, there is a note that the capacity of the rerouted storm line would be "equal to or greater than" the current system and this is also stated in the project narrative. It's not clear whether the current system is sufficient for the current use. It appears that while there is

some permeable pavement proposed, the impermeable surface may increase and stormwater capacity may need to increase as well.

Navix Response: The public storm bypass is no longer needing to be re-routed and therefore this comment no longer is applicable.

- ii. While the narrative mentions treatment, what stormwater treatment will be provided?

Navix Response: Modular Wetlands or a DOE approved equivalent. The final storm drainage plan will be provided in subsequent submittals.

- iii. Storm drain discharge pipes will be combined into a larger piped outfall to Lake Washington. The design of this needs to be included in future plan sets. How would erosion in the nearshore be avoided?

Navix Response: The storm drainage design has been modified to leave the existing public storm pipe and ditch outfalls untouched. Erosion near the shoreline will be mitigated using DOE-approved BMPs, and will be detailed in subsequent permit submittal packages on the TESC plan.

Mr. Herriman, should you have any questions regarding the comment responses contained herein, please do not hesitate to contact me at 425.845.3838 or at my email address below. Thank you for your review.

Sincerely,

Navix Engineering LLC



Jason Green
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