

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



Pre-Application Meeting (PRE24-084)

An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.

Summary:

Site Location:	6423 E Mercer Way	Parcel Number	302405-9043 & 9001
Lot Size:	35522 SF (9043), 25125 SF (9001)	Zoning:	R-15 (Single Family)
Brief Project Description:	Lot Line Revision between parcels ending in 9043 and 9001	Documents Provided:	1. Pre-Application Meeting Request Form 2. Geotechnical Report 3. Survey 4. Plans 5. Narrative & Questions
Applicant Information:			
Name: Jacob Young	Email: jyoung@collaborativeco.com	Phone: 206-535-7908	
Second Pre-application Meeting Required:	Not Applicable		

Applicant Questions:

1. *Is environmental review required for this development? If so, will it be processed as part of the reasonable use exception or the building permit?*

Staff Response: Critical area review is required for this development. The Lot Line Revision does not necessarily result in the alteration of geologically hazardous areas, so a Critical Area Review will not be required prior to the approval of the LLR, however, the construction of the two new single-family residences will require a CAR2 (see below). Should you choose to pursue a reasonable use exception, this would be a separate permit application under [MICC 19.07.140](#).

SEPA Review is required for this project unless you can demonstrate that the proposed development is exempt using the criteria in [WAC 197-11-800](#).

2. *How does Mercer Island determine the maximum size of a reasonable use? Is it the average size of other residences in the vicinity?*

Staff Response: Reasonable use is defined as: A legal concept that has been and will be articulated by federal and state courts in regulatory takings and substantive due process cases. The decisionmaker must balance the public's interests against the owner's interests by considering the nature of the harm the regulation is intended to prevent, the availability and effectiveness of alternative measures, the reasonable use of the property remaining to the

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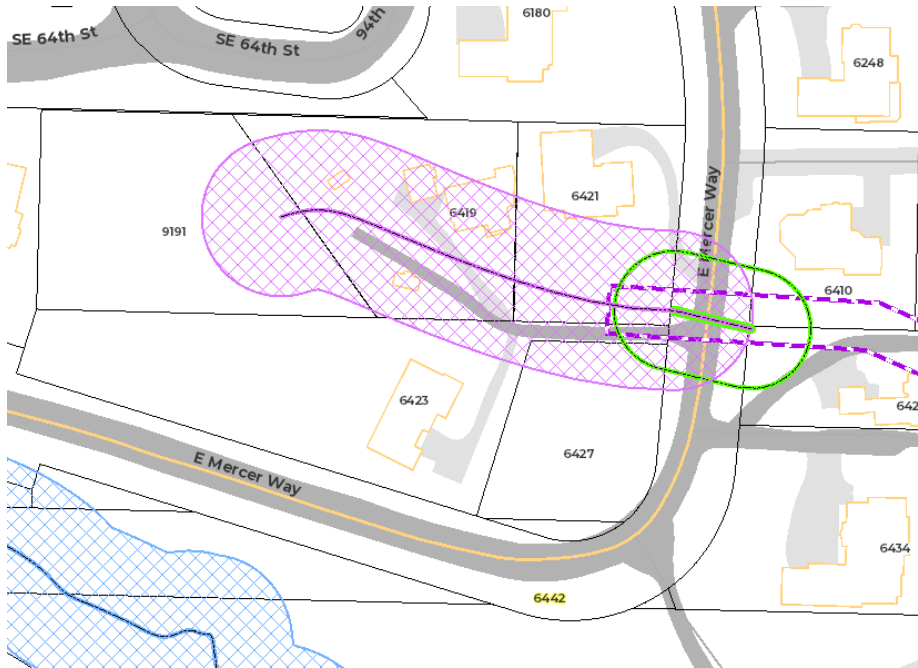
owner and the economic loss borne by the owner. Public interest factors include the seriousness of the public problem, the extent to which the land involved contributes to the problem, the degree to which the regulation solves the problem, and the feasibility of less oppressive solutions. A reasonable use exception set forth in MICC 19.07.140 balances the public interests against the regulation being unduly oppressive to the property owner.

Reasonable use exceptions may be granted by the Hearing Examiner if the applicant demonstrates that the proposal meets ALL of the following criteria:

1. The application of this chapter would deny all reasonable use of the property;
 2. There is no other reasonable use with less impact on the critical area;
 3. Any alteration to critical areas and associated buffers is the minimum necessary to allow for reasonable use of the property;
 4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
 5. The proposal is consistent with the purpose of this chapter and the public interest; and
 6. The inability of the applicant to derive reasonable use of the property is not the result of actions by the current or prior property owner.
3. *What information about the Type Ns stream does the city have? Will a wetland biology report be required as part of this project's entitlement?*

Staff Response: A Critical Areas Determination Report was conducted by Wetland Resources, Inc in 2020 for the portion of the watercourse that existed on the GIS map to the east of EMW. I attached this report. It may or may not be helpful in determining the presence or absence of the Type Ns watercourse on the west properties. If no verification for the presence or absence of a watercourse is conducted, the default buffer for the stream type will apply per [MICC 19.07.180\(C\)](#). Any new building pad would need to be located outside these buffers, unless the criteria in [MICC 19.09.090\(A\)\(2\)\(c\)](#) are met.

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There is a portion mapped as having a Moderate-High probability of a wetland on parcel -9001. A wetland study would need to be conducted to verify the presence or absence of this wetland.



4. *Is vehicular access to this lot via Lot B's panhandle acceptable, or is the lot required to be accessed from the right-of-way to the north?*

Staff Response: Access is acceptable from the panhandle proposed, as long as the standards for private access roads and driveways in [MICC 19.09.040](#) are met. Additional standards from Public Works may be applicable.

5. *Will an updated geotechnical report be required?*

Staff Response: Yes. A critical area study, as described in section 19.07.110, completed over five years prior to application submittal date, shall be field verified by a qualified professional to

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determine whether the study accurately provides information required by the Code, and, if not, the study shall be updated or completed according to the current best available science.

6. *Is the proposed boundary line generally acceptable, assuming that both lots meet the zoning requirements?*

Staff Response: The proposed lot configuration appears to be acceptable, depending on the applicant's ability to demonstrate compliance with [MICC 19.08.070](#), including [MICC 19.09.090](#) for the new building pad areas. The applicant will be required to show that the proposed lot configuration does not result in the creation of a nonconformity.

7. *May the BLA be pursued concurrently with the entitlements for Lot A, or must it be completed prior to them?*

Staff Response: You may apply for the LLR, building permits, and critical area reviews at the same time, however, if you are using the new lot configurations, the LLR must be recorded prior to issuance of the building permit.

8. *Will the BLA require any environmental documentation such as arborist reports, geotechnical reports, etc.?*

Staff Response: The LLR application must contain the following:

1. A map at a scale of not less than one inch equal to 100 feet which depicts the existing and proposed property configuration, including all lot line dimensions.
2. Legal descriptions of the existing and proposed property configurations, prepared by a licensed professional land surveyor.
3. A completed application form.
4. Project narrative. Applicants shall provide a clear and concise written description and summary of the proposed project.
5. Any other information required pursuant to chapter 19.15 MICC.

Review Comments:

Fire Comments:

Fire Contact: mjung@esf-r.org or 206-833-6926

Fire has no comment on the boundary line adjustment. A future proposal for a single-family residence is likely to have four (4) deficiencies related to access and fire flow. These can be mitigated through the code alternate process.

1. [Code Alternative Process:](#)

- a. Code alternative processes are approved on a case-by-case basis and must show:
 - i. The reason the code may not be followed
 - ii. The proposal for mitigating the code
 - iii. The reason the proposal will meet or exceed the code requirements.
 - iv. Fire Code Alternatives must be submitted and approved by the Fire Code Official. A separate permit/application fee will apply for the review.

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For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/fire-permits-and-prevention-information>

Tree Comments:

Tree Contact: Molly.McGuire@mercerisland.gov or 206-275-7712

1. Please refer to MICC 19.10 for our tree code.
2. 30% of trees with a diameter of 10 inches or greater is required; additionally, development must be designed to minimize tree removal.
3. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070.
4. Tree protection (typically at tree dripline) of retained trees will be required

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

Civil Engineering Comments:

Civil Contact: Ruji.Ding@mercerisland.gov or 206-275-7703.

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

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

Building Comments:

Building Contact: Gareth.Reece@mercerisland.gov or 206-275-7710.

Mapping and Design Criteria: Complete information on codes adopted by Mercer Island and available City mapping is available here: <https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Mercer Island City Code 19.07.160 requires a geotechnical engineer's assessment of certain types of work if located within a mapped geologic hazard area. Please review city mapping to determine if landslide hazards, seismic hazards, or erosion hazards are mapped on the property.

ASCE-7 wind design for structures involves topographic and exposure effects. The City has mapping available for accepted values to be used in design. Please refer to the link above for design criteria.

1. Lot A Q5: This project will require a site-specific, project-specific geotechnical report at application, and may require additional input from your geotechnical engineer during the review process.
2. This project will likely be routed to our on-staff geotechnical reviewer. It can be useful for your consultant to know in advance that they will be reviewed by this discipline because these reports are often written to be followed, not scrutinized. Some engineers may include some additional substantiating documentation when they're aware of the review.
3. The 2019 geotech report, on page 6, states "the planned constructions will not adversely impact the overall stability of the subject and surrounding properties." This is not the standard that MICC 19.07.160 requires, which is that the proposal is "as safe as if not located in a geological hazard area."

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4. When considering the application of 19.07.140 for a reasonable use exception, the relief listed under (3) is “Any alteration to critical areas and associated buffers is the minimum necessary to allow for reasonable use of the property.” In prior applications of this section and of applications for a variance, the construction codes have been incorporated to determine the “minimum necessary” alteration to construct a single family home. This is a much smaller structure than the proposal suggests.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Planning Comments:

Planning Contact: Molly.McGuire@mercerisland.gov or 206-275-7712.

19.02.020 – Development Standards

C. Yard requirements.

1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and side yards not less than the depths or widths following:
 - a. Front yard depth: 20 feet
 - b. Rear yard depth: 25 feet
 - c. Side yards:
 - i. Total width.
 - (a) For lots with a lot width of 90 feet or less, the sum of the side yards’ width shall be at least 15 feet.
 - (b) For lots with a lot width of more than 90 feet, the sum of the side yards’ width shall be a width that is equal to at least 17 percent of the lot width.
 - ii. Minimum side yard width. The minimum side yard is five feet or 33 percent of the aggregate side yard total width, whichever is greater.
 - iii. Variable side yard depth requirement.
 - (a) Single-family dwellings shall provide a minimum side yard depth of 7.5 feet if the building exceeds (1) 15 feet for non-gabled roof ends measured to the top of the exterior wall facade, or (2) 18 feet for gabled roof ends measured to the top of the gabled roof end, from existing or finished grade, whichever is lower.
 - (b) Single-family dwellings with a wall facade height of 25 feet shall provide a minimum side yard depth of 10 feet.
2. Intrusions into required yards.
 - a. Minor building elements.
 - i. Porches, chimneys, fireplace extensions, window wells, and unroofed, unenclosed outside stairways and decks shall not project more than 3 feet into any required yards. Eaves shall not protrude more than 18 inches into any required yard, except:
 - ii. No protrusion shall be allowed into any minimum required side yard setback abutting interior lot lines, including eaves.

Notes: No notes at this time.

D. Gross floor area.

1. Gross floor area shall not exceed: 10000 SF or 40% of the lot area, whichever is less.
2. Gross floor area calculation: The gross floor area is the sum of the floor area(s) bounded by the exterior faces of each building on a residential lot, provided:

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- a. The gross floor area shall be 150% of the floor area of that portion of a room(s) with a ceiling height of 12 – 16 feet, measured from the floor surface to the ceiling.
- b. The gross floor area shall be 200% of the floor area of that portion of a room(s) with a ceiling height of greater than 16 feet, measured from the floor surface to the ceiling.
- c. Staircases shall be counted as a single floor for the first two stories accessed by the staircase. For each additional story above two stories, the staircase shall count as a single floor area. For example, a staircase with a 10x10 ft dimension that accesses three stories shall be counted as 200 sf (100 sf for the first two stories, and 100 sf for the third story).

Gross floor area: The total square footage of floor area bounded by the exterior faces of the building.

1. The gross floor area of a single-family dwelling shall include:
 - a. The main building, including but not limited to attached accessory buildings.
 - b. All garages and covered parking areas, and detached accessory buildings with a gross floor area over 120 square feet.
 - c. That portion of a basement which projects above the lower of existing grade or finished grade as defined and calculated in appendix B of this development code.
 - d. Staircases.
 - e. Decks that are attached to the second or third level of a single-family dwelling and are covered by a roof. For the purposes of calculating the gross floor area of covered decks, the entire deck area covered by the roof shall be accounted for as floor area, provided an 18-inch eave extending beyond the edge of the deck shall not be included in the gross floor area.
 - f. Space under stairways or stairwells that is used, for example, as a closet or storage space if that space meets the definition of "floor."
2. The gross floor area of a single-family dwelling does not include:
 - a. Second- or third-level uncovered decks, or uncovered rooftop decks.
 - b. First-level covered decks and/or patios.
3. In the Town Center, gross floor area is the area included within the surrounding exterior finish wall surface of a building, excluding courtyards and parking surfaces.

Notes: Tables in the format below should be provided showing the allowed gross floor area, lot coverage, and hardscape for each lot.

Lot #	Gross Lot Area (SF)	Max. GFA 40% (SF)	Net Lot Area (SF)	Max. Lot Coverage (40%) (SF)	Max. Hardscape (9%) (SF)
1					
2					

Property Areas	Area (SF)	Area (AC)
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Property		
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- E. Building height limit.
 1. Maximum building height: 30 feet above the average building elevation to the highest point of the roof.
 2. Maximum building height on a downhill building facade: 30 feet measured from existing or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.

Notes: No notes at this time.

- F. Lot coverage.
 3. Lot coverage – landscaping required.
 - a. Minimum area required: limited to a percentage of net lot area; the percentage varies between 20-40% depending on the slope of the lot. The lot slope is calculated by subtracting the lowest existing elevation from the highest existing elevation and dividing the resulting number by the shortest horizontal distance between these two points.
 - i. Lot coverage is calculated by totaling (1) all drivable surfaces (driveway, parking pad, turn-arounds, etc. regardless of material type) and (2) roof line, including eaves and covered decks/patios/walkways.
 - b. Hardscape.
 - i. A maximum of 9% of the net lot area may consist of hardscape improvements, including but not limited to walkways, uncovered patios and decks, retaining walls and rockeries, etc.
 - ii. Hardscape improvements can be within the maximum lot coverage allowance. If the proposed lot coverage is less than the maximum lot coverage, the difference can be used for hardscape.

Notes: See table above.

19.07 – Environment

19.07.060 – Critical area maps and inventories (see the attached hazard report).

1. Potential Slide
2. Erosion
3. Seismic
4. Steep Slope

19.07.070 – Notice on Title required per requirements of this section.

19.07.090 – Critical area reviews.

- A. Critical area review 1 – to review verification of the presence or absence of a critical area or verification of the delineation and/or type of wetland or watercourse.
 1. If a building permit is required for the proposed scope of work associated with the CAR1, then the substance of the review shall take place concurrently with the building permit review and no separate land use review application is required.
- B. Critical area review 2 – to review critical area studies and mitigation plans in support of proposed buffer averaging and reduction of wetland and watercourse buffers.
 1. When development and/or activity is proposed on a site containing only geologically hazardous areas, an applicant has the option of either (1) applying for a CAR2 review in

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advance of construction permits using the procedures for a Type 3 land use review or (2) requesting consolidation of the review of geologically hazardous areas together with construction permit review. All of the requirements of the CAR2 review must still be met.

2. Requirements for a complete application include a critical area study meeting the requirements in [MICC 19.07.110](#), critical area study and [MICC 19.07.100](#), mitigation sequencing.
3. Geotechnical reports must address the criteria in [MICC 19.07.160](#) which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacts. A statement of risk must also be provided.

Notes: A Critical Area Review 2 is required for the proposed development.

19.08.070 – Lot line revisions.

- A. Requirements for a complete application.
 - a. A map at a scale of not less than one inch equal to 100 feet which depicts the existing and proposed property configuration, including all lot line dimensions.
 - b. Legal descriptions of the existing and proposed property configurations, prepared by a licensed professional land surveyor.
 - c. A completed application form.
 - d. Project narrative. Applicants shall provide a clear and concise written description and summary of the proposed project.
 - e. Any other information required pursuant to chapter 19.15 MICC.
- B. Approval criteria. The code official shall approve an application for a lot line revision if it is determined that:
 - a. No additional lot, tract, parcel, site or division will be created by the proposed revision;
 - b. No lot is created or modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated;
 - c. No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose;
 - d. No lot line revision shall reduce the overall area in a plat or short plat devoted to open space;
 - e. No lot line shall result in the creation of a lot or structure that is nonconforming with the provisions of this title;
 - f. The lot line revision shall be consistent with any restrictions or conditions of approval for a recorded plat or short plat; and
 - g. The lot line revision and the lots resulting from the lot line revision are consistent with the applicable provisions of this title.
- C. Requirements for recording documents.
 - a. A title insurance certificate updated not more than 30 days prior to recording of the revision, which includes all parcels within the revision, must be submitted to the code official with the final recording documents.
 - b. All persons having an ownership interest within the lot line revision shall sign the lot line revision documents that will be recorded in the presence of a notary public.
 - c. Lot line revision documents that will be recorded shall be in a form prescribed by the code official and be reviewed and approved by the code official prior to recording with the King

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County recorder's office. Lot line revision approvals shall expire if the lot line revision documents and real estate conveyance documents transferring ownership of the adjusted land area are not recorded and a copy submitted to the city within one year from the date of approval.

- d. Lot line revision documents, including a record-of-survey document, must be prepared by a land surveyor in accordance with WAC Chapter 332-130 and RCW Chapter 58.09. The document must contain a land surveyor's certificate and a recording certificate.
- e. The lot line revision documents shall contain the following approval blocks:
 - i. The King County Department of Assessments;
 - ii. The city of Mercer Island city engineer; and
 - iii. The city of Mercer Island code official.

Other Regulations:

1. Underlying Plat limits (see attached plats)
 - a. Conditions: None found at this time.
 - b. Covenants: None found at this time.
 - c. Easements:
 - i. Vehicular Access Easements: No structures shall be constructed on or over any vehicular access easements. A minimum 5-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 5-foot yard setback so long as improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.
 - ii. 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.
 - iii. Since multiple property owners share an interest in the easement, all parties with an interest must agree to a change.
2. Nonconforming issues
 - a. MICC 19.01.050
3. Impact fees
 - a. Future construction on the vacant/new lot(s) resulting from the proposed subdivision will need to pay transportation, school, and park impact fees.
 - b. The current rates can be found in the [Fee Schedule](#).
 - c. Note that fees are due at the time they are assessed. They do not vest to the time of complete subdivision or building permit application.
4. Transportation Concurrency
 - a. Please apply for a [Transportation Concurrency Certificate](#) at the same time as the subdivision/design review/building permit application.
5. Vesting: Please see the standards in MICC 19.15.170.
6. Application fees
 - a. Deposit due at time of application
 - b. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.

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- c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
- 7. Land Use Application Process and Estimated Timeline:
 - a. Required land use approvals
 - i. [Lot Line Revision](#) – New form will be coming shortly. Please use the new form in your application submittal.
 - ii. [Critical Area Review 2](#) – New form will be coming shortly. Please use the new form in your application submittal.
 - iii. [Critical Areas Reasonable Use Exception](#) – New form will be coming shortly. Please use the new form in your application submittal.
 - b. [Consolidated Review](#)
 - c. Summary of procedural steps
 - i. Pre-Application meeting
 - ii. Submit application electronically
 - iii. Application Completeness check
 - iv. Notice of Application (public notice via sign on site, mailing, notice in bulletin), begin 30-day comment period
 - v. Review
 - vi. Review comments sent out if needed and subsequent submissions returned by applicant
 - vii. Public Hearing (Reasonable Use Exception)
 - viii. Notice of Decision
 - ix. Appeal period
 - d. Land use approvals are valid for a period of 3 years from the date of approval.

Land Use Decisions

Type of Review	Target
Completeness Review	4 weeks
First review	8-12 weeks
Second and subsequent reviews	6 weeks
Staff Report / Decision (following completion of review)	3-4 weeks
Single Family Residential	
First Review	8-12 weeks
Second Review	3 weeks
Third and subsequent reviews	2 weeks
Revisions	2-3 weeks
Express Reviews (see note below)**	4 weeks

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For more information on Land Use and Planning please refer to this useful webpage:
<https://www.mercerisland.gov/cpd/page/land-use-application-forms-and-submittal-requirements>

Pre-Application Fees:

The minimum fee for the pre-application meeting must be paid to initiate the pre-application process. If staff time exceeds the minimum hours allotted, the applicant will be invoiced via email for additional staff hours at the current hourly rate. Note: All involved staff members track time spent researching and preparing, attending the meeting, corresponding, responding to questions pre and post meeting, and/or on any other activity related to the pre-application process for the project. Applicants who continue to discuss the meeting with staff should expect to be invoiced for additional staff time.

Sincerely,

Molly McGuire
Senior Planner
Community Planning & Development
City of Mercer Island

PLEASE NOTE: *These pre-application meeting notes have been prepared to assist the applicant in completing and submitting the application in a manner that complies with applicable development standards and permit processing requirements. Although care has been taken, in the event of a conflict between these notes and any applicable law, regulation or decision criteria, the latter shall prevail. The City of Mercer Island makes no warranty of any kind to the accuracy of the information contained in these notes. The information herein notwithstanding, it is the applicant's sole duty to ensure that the proposed development complies with all applicable laws, regulations and decision criteria. Neither the discussions nor the notes provided at the pre-application meeting shall bind the City in any manner or prevent the City's future application or enforcement of all laws, regulations and decision criteria.*

January 7, 2025

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