

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 (PRE22-069)

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:	8430 SE 47 th Pl	Parcel Number	331750-0120
Lot Size:	13,555 sf	Zoning:	R-9.6 (Single Family)
Brief Project Description:	Permit an existing ADU and apply for a CUP for a Bed & Breakfast	Documents Provided:	<ol style="list-style-type: none">1. Application2. ADU Plan Set3. Memo4. Questions5. Narrative
Applicant Information:			
Name:	Danli Wang	Email:	wangdanli@hotmail.com
Phone:			(206) 739-8402
Second Pre-application Meeting Required:	Not Applicable		

Applicant Questions:

1. *The process of the application - how long does it take to complete the process and obtain the permits?*

Staff Response: See below for projected review timelines.

The application will go through a 14-day completeness check, 30-day public comment period, and a public hearing.

2. *Document submission requirements*

Staff Response: You will need to submit the following permit forms:

1. [Development Application Form](#)
2. Accessory Dwelling Units - [Submittal Requirements](#) and [ADU Affidavit](#)
3. [Application for Conditional Use Permit](#)
4. [Transportation Concurrency](#)

3. *What if a neighbor objects?*

Staff Response: The Conditional Use Permit will be subject to a 30 day public comment period. The complete application will be posted in the weekly CPD bulletin, mailed to all property owners within 300 feet of your property, posted on the site in a location that is visible to the public right-of-way, and made available to the general public upon request.

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We will take all public comments into consideration during our review and when preparing our recommendation to the hearing examiner. The general public is also welcome to make any comments to the hearing examiner during the public hearing.

4. *ADU affidavit with King County: the current wording of the default affidavit is for building a new ADU. My ADU has already been built. Does it apply?*

Staff Response: The affidavit is still required. You may change the wording to fit your specific scenario as necessary.

5. *How to file the ADU affidavit with King County?*

Staff Response: You will record the affidavit with the [King County Recorder's Office](#) located at the King County Administration Building, 500 Fourth Ave, Suite 430, Seattle, WA 98104

6. *Title sheet - when to provide?*

Staff Response: A recent title report is required with application submittal.

7. *Survey - survey was done during the construction of the ADU building. Can that be used?*

Staff Response: This survey can be used as long as there were no modifications to the property since the survey was completed.

8. *Site plan - no new site plan will be made. It was submitted to the city when the ADU was built.*

Staff Response: Acknowledged.

9. *Tree plan - no new tree plan*

Staff Response: Acknowledged.

10. *Critical areas plans and Study: the ADU permit is for existing detached dwelling unit. No new plans to be made. Ask this to be exempt.*

Staff Response: A Critical Areas Ordinance Review was submitted for the construction of the garage expansion and addition. The request to reduce a stream buffer was granted on September 17, 2018 (see staff report and exhibits attached).

11. *Landscaping: no new landscaping plan to be made. Is it still required?*

Staff Response: If there are no proposed changes to the exterior of the structure or surrounding area, a new landscaping plan is not required.

12. *Conceptual grading and Utility Street Profile: No changes to be made to the existing structure. Everything remains as is.*

Staff Response: Acknowledged.

13. *How [long] are the permits good for?*

Staff Response: The Conditional Use Permit does not have an expiration date. Please see [MICC 19.06.110\(A\)\(5\)](#).

14. *Forgiveness whole or part of the permit fee: The price for the Conditional Use Permit is listed as \$15,249. It's prohibitively high, I am an unemployed single mom to two young children, I am looking for ways to generate income. Asking the city to exempt whole or part of the permit fee.*

Staff Response: Unfortunately, the City of Mercer Island does not have a forgiveness program we can offer, and the CUP fee would be \$15,752, in addition to the Pre-Application fee and ADU permit fee.

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Review Comments:

Fire Comments:

Fire Contact: Jeromy.Hicks@mercerisland.gov or 206-275-7966.

For additional information please refer to this helpful webpage:

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

Tree Comments:

Tree Contact: John.Kenney@mercerisland.gov or 206-275-7713.

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

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 Kevin.Nguyen@mercerisland.gov or 206-275-7706.

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 Jacob.Halverson@mercerisland.gov or 206-275-7718.

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:

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- 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. Yard determination.
 - a. Front yard: North (adjacent to SE 47th Pl)
 - b. Rear yard: South
 - c. Side yards: East and West
 3. 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: NA

- D. Gross floor area.
 1. Gross floor area shall not exceed: 8,000 sf or 40% of the lot area (5,422 sf), 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:
 - 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).

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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: NA

- 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: NA

- 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.

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- b. Hardscape.
 - i. A maximum of 9% (1,219.95 sf) 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: NA

19.02.030 - Accessory Dwelling Units

- A. *Purpose.* It is the purpose of this legislation to implement the policy provisions of the housing element of the city's comprehensive plan by eliminating barriers to accessory dwelling units in single-family residential neighborhoods and provide for affordable housing. Also, to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- B. *Requirements for accessory dwelling units.* One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided, the following requirements are met:
 - 1. *Owner occupancy.* Either the principal dwelling unit or the accessory dwelling unit must be occupied by an owner of the property or spouse, domestic partner, parent, stepparent, grandparent, sibling, child, stepchild, niece, nephew, cousin, aunt, or uncle of the property owner. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year.
 - 2. *Reserved.*
 - 3. *Subdivision.* Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
 - 4. *Size and scale.* The square footage of the accessory dwelling unit shall be a minimum of 220 square feet and a maximum of 900 square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not exceed 80 percent of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.
 - 5. *Location.* The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure.
 - 6. *Entrances.* The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side of the residence except where more than one entrance existed on or before January 17, 1995.
 - 7. *Additions.* Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
 - 8. *Detached structures.* Accessory dwelling units shall be permitted in a detached structure.

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9. *Parking.* All single-family dwellings with an accessory dwelling unit shall meet the parking requirements pursuant to MICC [19.02.020](#)(G) applicable to the dwelling if it did not have such an accessory dwelling unit.
- C. *Exceptions—Ceiling height.* All existing accessory dwelling units that are located within a single-family dwelling, which was legally constructed but does not now comply with current ceiling height requirements of the construction codes set forth in MICC [title 17](#), shall be allowed to continue in their present form.
- D. *Notice on title.* Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County department of records and elections which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section, and provides for the removal of the accessory dwelling unit if any of the requirements of this chapter are violated.
- E. *Elimination/expiration.* Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the King County department of records and elections and development services stating that the accessory dwelling unit no longer exists on the property.

Notes: The building is existing, but the ADU application is new, therefore you must demonstrate compliance with all of the above.

19.07 – Environment

19.07.060 – Critical area maps and inventories.

1. Potential Slide
2. Erosion
3. Seismic
4. Watercourse (see attached CAO18-001)

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 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.

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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: NA

19.02.010 - Single-family

- C. *Conditional uses.* The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section and in MICC [19.15.040](#) have been met:
 7. The use of a single-family dwelling as a bed and breakfast subject to the following conditions:
 - a. The bed and breakfast facility shall meet all applicable health, fire, and building codes
 - b. Not more than four rooms shall be offered to the public for lodging.
 - c. There shall be no external modification of any structure that alters the residential nature of the premises.
 - d. The bed and breakfast shall be the primary residence of the operator.
 - e. In addition to the parking required set out in MICC [19.02.020\(G\)](#), one off-street parking space, not located in the lot setbacks, shall be provided for each rental room.
 - f. Meals shall be made available only to guests, and not to the general public.

19.06.110 - Criteria for approval: Conditional Use Permits

1. *Purpose.* A use may be authorized by a conditional use permit for those uses listed in chapters [19.02](#) and [19.11](#) MICC. The intent of the conditional use permit review process is to evaluate the particular characteristics and location of certain uses relative to the development and design standards established in this title. The review shall determine if the development proposal should be permitted after weighing the public benefit and the need for the use with the potential impacts that the use may cause.
2. *Criteria for conditional use permits that are not located in Town Center.* An applicant must demonstrate how the development proposal meets the following criteria:
 - a. The permit is consistent with the regulations applicable to the zone in which the lot is located;
 - b. The proposed use is determined to be acceptable in terms of size and location of site, nature of the proposed uses, character of surrounding development, traffic capacities of adjacent streets, environmental factors, size of proposed buildings, and density;
 - c. The use is consistent with policies and provisions of the comprehensive plan; and
 - d. Conditions shall be attached to the permit assuring that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance.

Notes: It is the burden of the applicant to demonstrate to the Hearing Examiner's satisfaction that the above requirements for a Conditional Use Permit are met.

Other Regulations:

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1. Underlying Plat limits
 - a. Conditions: None noted at this time.
 - b. Covenants: None noted 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 the change.
2. Nonconforming issues
 - a. MICC 19.01.050 - Land Use Permit not obtained for legally constructed ADU. Resolved through proposed ADU permit.
 - b. Pre-application meeting narrative states that a “Not-an-ADU” Affidavit was submitted. Staff was unable to locate this.
3. Transportation Concurrency
 - a. Please apply for a [Transportation Concurrency Certificate](#) at the same time as the subdivision/design review/land use permit application.
4. Vesting: Please see the standards in MICC 19.15.170.
5. 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.
 - c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
6. Land Use Application Process and Estimated Timeline:
 - a. Required land use approvals
 - i. Accessory Dwelling Unit Permit
 - ii. Conditional Use Permit
 - iii. Transportation Concurrency Review
 - 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

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- 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

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.

2022 Pre-application Fees	
<p>Type 1 Pre-Application Meeting: \$900 minimum fee, plus charges for any staff time spent on the pre-application over 6 hours. Any additional staff time is charged at a rate of \$150/hour.</p>	<p>Type 2 Pre-Application Meeting: \$1,800 minimum fee, plus charges for any staff time spent on the pre-application over 12 hours. Any additional staff time is charged at a rate of \$150/hour.</p>

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Please Note: Fees will continue to accrue, post pre-application meeting, in situations where the applicant requests follow up or has additional questions that require additional staff time. Fees will be assessed at the hourly staff rate in place at the time of accrual and invoiced via email.

Sincerely,

Molly McGuire
Planner
Community Planning & Development
City of Mercer Island

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December 6, 2022

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