

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



Pre-Application Meeting (PRE20-037)

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:	8817 SE 44 th ST		
Lot Size:	19,500 sf	Zoning:	R-9.6 (Single Family)
Brief Project Description:	Subdivide the existing lot into two lots. Demolish existing house and built 2 new homes.	Documents Provided:	Arborist report, plan set, pre-app form, project narrative, questions
Applicant Information:			
Name:	George Constantine	Email:	georgec@constantinebuilders.com
		Phone:	206-852-1740
Second Pre-application Meeting Required:	Not Applicable	Click for explanation if necessary	

Applicant Questions:

1. Zoning variance to allow for Layout Option A
 - a. Refer to planning comments below.
2. Creation of new lots which considers tree retention, Trees?
 - a. Refer to Tree Comments below.
3. Shared Access Easement (Layout Option C); can we do this? width of easement? Width of pavement? Setback from easement for Lot A?
 - i) Refer to Fire and Planning Comments below.
4. Assume 4,000 sq. foot living space and garage on each new lot. Fire requirements for houses: sprinklers? Fire access for south Lot B in both layouts Option B and C? Adequate fire flow with SE 44th Street?
 - ii) Refer to Fire comments below.

Review Comments:

Fire Comments:

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

I have included some basic notes regarding the Fire Review and evaluation processes. Please see the below information. There are several hyperlinks that may be used to help guide you through this process.

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All this information is consolidated in our “Developer Manual”. ** I can provide this via email since in person pick up is not an option at this time.

Specific applicant requested questions are answered below starting at section 6.

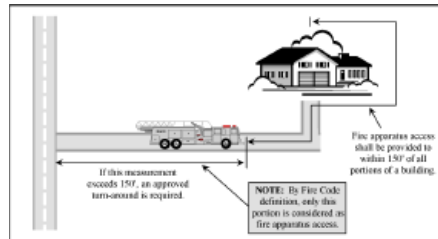
1. Fire access:
 - a. Access roads (defined under IFC 202) under 500’ are required to be 20’ in width. For access roads over 500’ they are required to be 26’. IFC 503.2.1, D103.1, MICC 17.07.020)
 - b. Minimum driveway widths (for planning purposes) are outline in MICC 19.09.040
 - c. Grade shall not exceed 10%. Grades over 10% but under 20% (max) may be evaluated for code alternative requests. (IFC 503.2.7)
 - d. Length shall not exceed 150’ from furthest portion of the building as one would walk. (IFC 503.2.1)
 - e. Surface shall be able to withstand and imposed load of 75,000 pounds and be constructed of asphalt. (If grade exceeds 15% this shall be brushed concrete) (IFC D102.1, MICC 19.09.040)
 - f. Fire access roads, private access roads, driveways in excess of 150’ shall have provisions for fire apparatus turn-around as listed/illustrated in Appendix D of the IFC.
2. Fire Flow (Hydrants)
 - a. A hydrant capable of flowing the required fire flow as outline in the International Fire Code Appendix B shall be located within 300’ of the furthest portion of the building (600’) for a building with an approved sprinkler system. (IFC Appendix B)
3. Sprinklers
 - a. All new construction and alterations over 50% valuation are required to install a minimum of a NFPA 13d fire sprinkler system.
 - b. Decreased fire flow, access, grade, or building size may require the installation of a NFPA 13r of 13 sprinkler system.
 - c. Water meter sizing is required for the install of a fire sprinkler system. Prior to water meter sizing consider this. The Fire Marshals Office can help determine the minimum required water meter for your fire sprinkler system. Additional sizing may be required due to fixture count or review of City Engineering.
4. Fire Alarm Systems
 - a. NFPA 72 Monitored Fire Alarm systems may be required as part of mitigation for deficiencies as listed above or may be proposed as a code alternative.
5. Fire code alternatives
 - a. These may be considered upon application of a building permit. The building designer must propose such alternative and it must show how the alternative is equal to or above the required code.
 - b. Fire Code alternatives are not considered as a replacement for the fire code. The individual building applicant must show that the adopted prescriptive code may not be followed as a result of extenuating circumstances.
 - c. Fire Code Alternative help sheet:
 - i. https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/24371/codealternateinformationsheet.pdf
[applicant questions](#)

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6. Applicant Specific Questions:

- a. "Shared Access Easement (Layout Option C); can we do this? width of easement? width of pavement? Setback from easement for Lot A?"
 - i. Shared access will need to conform with the minimum requirements of MICC if the driveway access is within 150' of the furthest point of the residence. If the access is further the driveway will need to be expanded to a minimum of 20' wide until that distance is met. See illustration below



- b. Fire Flow Requirements: 3601-4800 sq/ft = 1750gpm (825 w/ sprinklers)
- c. Sprinklers: All new single family residences must be equipped with a minimum of an NFPA 13d Fire Sprinkler System. See above
- d. Fire Access: As listed above
- e. **Fire Flow: D4-41 500GPM at 40 psi. This hydrant is unable to supply the required Fire flow for a residence. A base sprinkler system will be a NFPA 13r with waterflow monitoring.**

For additional information please refer to this helpful webpage:

<http://www.mercergov.org/Page.asp?NavID=2614>

Tree Comments:

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

1. Please refer to MICC 19.10 for our tree code (updated 11-1-2017).
2. Tree retention and replacement will be required.
3. Tree protection of retained trees will be required.
4. Sequential (phased) tree removal may be required (only remove trees necessary at each step of the review process).
5. At least 30% of all regulated trees need to be retained on this single lot and should be planed for before subdivision per MICC19.10.060.A.2.a. A tree inventory worksheet will be required to show at least this percentage is retained. This includes all trees removed within the last five years. Only one worksheet should be provided.
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/mercerislandtreeinventory.pdf
6. All exceptional trees and exceptional grove trees proposed for removal must be justified according to MICC19.10.060.A.3. Provide a narrative for tree removal and how plat was designed to minimize tree removal.
7. Provide the following checklist to the Civil Engineer to update Civil plans to design building pad placement and utilities including detention tanks. Design should minimize impacts to trees.
https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/treesubmittalchecklist.pdf

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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.
2. Shared side sewer with a 6" sewer line or two separate side sewers for both lots are acceptable.
3. Separate water meters and new water service line during the building permitting stage.
4. Stormwater requirements:
 - A geotechnical report is required to determine the feasibility of the Low Impact Development on-site stormwater management BMPs per MICC 15.09.050.
 - If LID is not feasible based on the geotechnical investigation, then the onsite detention systems are required.
 - The drainage report and drainage plan will need to be prepared by a civil engineer.

For more information on Stormwater Permits please visit here:
<https://www.mercerisland.gov/cpd/page/stormwater-permits>

Building Comments:

Building Contact: Paul.Skidmore@mercerisland.gov or 206-275-7718.

1. No comments.

For additional information please refer to this helpful webpage:
<https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Planning Comments:

Planning Contact: Lauren.Anderson@mercerisland.gov or 206-275-7704.

1. "Standard" zoning constraints:
 - a. Setbacks (location, width, where they are on the lot)
 - Front yard: 20-feet
 - Rear yard: 25-feet
 - Side Yard: Variable. Please see MICC 19.02.020(C)(1)(c)(iii)
 - i. No eave and minor building element protrusion is allowed into the minimum side yard setback (MICC 19.02.020(C)(3)). Labeling the minimum side yard setback on the site plan is important due to the following:
 1. If the building height along the side yard is above 25 feet from the finished grade to the top of the exterior wall façade the minimum side yard is 10 feet, thus no eaves can protrude into the 10-foot minimum side yard setback.
 2. If the building height along the side yard is above 15 feet (non-gabled roof) and 18 feet (gabled roof) above the existing or finished grade (whichever is less) to the top of the exterior wall façade will have a minimum side yard of 7.5 feet, thus no eaves would be allowed into the 7.5 foot setback.
 3. For the full code, please refer to MICC 19.02.020 (C)(1)(c)
 - b. Height limits / downslope height limit

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- i. Maximum height: 30 feet above the average building elevation (ABE) to the highest point of the roof
 - ii. at the furthest downhill extent of the proposed building to the top of the exterior wall façade supporting the roof framing, rafters, trusses, etc.
 - c. Lot Coverage:
 - i. Based on lot slope
 - ii. Calculated by totaling the following:
 - 1. All drivable surfaces (driveway, parking pad, turn-arounds, etc. regardless the material type; e.g. pervious driveway counts towards lot coverage)
 - 2. Roof line (includes eaves and covered decks)
 - iii. Allowed a maximum of 9% of the lot area can be hardscape
 - 1. Hardscape includes: patios, uncovered steps, walkways, decks, retaining walls, rockeries, etc.
 - 2. Retaining walls count towards hardscape calculation
 - d. Gross Floor Area: 40% of the lot area
 - i. Based on ceiling height, additional GFA may be applied
 - 1. The gross floor area shall be **150 percent** of the floor area of that portion of a room(s) with a ceiling **height of 12 feet to 16 feet**, measured from the floor surface to the ceiling.
 - 2. The gross floor area shall be **200 percent** of the floor area of that portion of a room(s) with a ceiling height of **more than 16 feet**, measured from the floor surface to the ceiling.
 - 3. 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 10-foot by 10-foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).
 - ii. Second or third level covered decks count towards GFA, only uncovered or covered decks on the main level don't count towards GFA
- 2. Critical area constraints
 - a. In a seismic geologically hazardous area
 - b. Need to comply with [MICC 19.07.160](#)
 - i. Subsections (B)(1) and (D)
 - c. Include in Geotech report: hazards, mitigation, statement of risk, etc.
- 3. SEPA
 - a. Exempt – refer to [WAC 197-11-800\(6\)\(d\)](#)
- 4. Impact fees: <https://www.mercerisland.gov/cpd/page/impact-fees> & https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/22088/impactfeesresidential.pdf
- 5. Expiration of approvals: [MICC 19.15.150](#)
- 6. Target review timelines & reviews: <https://www.mercerisland.gov/cpd/page/target-times-reviews>
- 7. Fees: https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/22088/fee_schedule.pdf
- 8. Land Use Application Process:
 - a. Required land use approvals

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- i. Preliminary Short Plat application
- ii. Final Short Plat application
- b. Subdivision regulations: [MICC 19.08](#)
- c. Private Access roads and driveways regulations: [MICC 19.09.040](#)
- d. Preferred Practices: [MICC 19.09.100](#)
- e. [Application forms and handouts](#): refer to Attachments A and B
- f. Recommend going through the preliminary short plat process then applying for 1 building permit. This is recommended as during the review items may come up that may affect the design, location, footprint, etc. of the proposed house and/or driveway. Only allowed to apply for 1 building permit prior to final plat recording, as there legally is 1 lot until the short plat is recorded.
- g. Summary of procedural steps
 - i. Pre-App
 - ii. Submit application electronically
 - iii. Application Completeness Check (28 days)
 - iv. Review begins
 - v. Review comments may be sent out if needed
 - vi. Notice of Decision – Preliminary Plat
 - vii. Appeal period – 14 days
 - viii. Then need to apply for final short plat application
- 9. General subdivision regulations on lot size, width, and depth minimums:
 - a. R-9.6 zone: the [net lot area](#) shall be at least 9,600 square feet. Lot width shall be at least 75 feet and lot depth shall be at least 80 feet.
 - b. **Net lot area**: The area contained within the established boundaries of a lot, less any area used for public or private vehicular access easements, excluding that portion of the easement used for a driveway access to the encumbered lot.
For example, the net lot area of a lot encumbered by a private vehicle access easement with an area of 1,000 square feet and of which 400 square feet of the vehicle access easement is used for a driveway to a home on the encumbered lot is the area within the established boundaries of the lot less 600 square feet.
- 10. Response to applicant questions:
 - a. Zoning variance to allow for Layout Option A
 - i. *A Variance may not be granted, as the project would most likely not meet the criteria for a variance per [MICC 19.06.110\(B\)](#)*
 - ii. *You can potentially apply for a [rezone](#) – however that means that multiple lots would have to agree to do the rezone as well, as “spot zoning” is illegal. “Spot zoning” is when there is a proposed reclassification of a zone that is site specific. Please refer to [MICC 19.15.240](#). Since the area surrounding the site is also zoned R-9.6, it is unlikely that a rezone to R-8.4 would be approved as the nearest R-8.4 zone is ~1,330 feet from the site.*
 - b. Shared Access Easement (Layout Option C); can we do this? width of easement? Width of pavement? Setback from easement for Lot A?
 - i. *Yes, per [MICC 19.09.100\(A\)](#) the use of common access drives and utility corridors shall be incorporated unless its unfeasible. Thus, layout A would only be allowed if a shared access road weren’t feasible. Examples of unfeasibility would be if there was a critical area the driveway placement was trying to avoid or avoiding impacts to exceptional trees.*

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- ii. All private access roads serving three or more [single-family dwellings](#) shall be at least 20 feet in width. [Layout B]
- iii. All private access roads serving two [single-family dwellings](#) shall be at least 16 feet in width, with at least 12 feet of that width consisting of pavement and the balance consisting of well compacted shoulders. [Layout C]
- iv. [MICC 19.02.020\(H\)\(1\)](#): 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.

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>

Regards

Lauren Anderson
Planner
Community Planning & Development
City of Mercer Island

Enclosed:

[Attachment A: Preliminary Short Plat](#)

[Attachment B: Final Short Plat](#)

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SHORT SUBDIVISION PRELIMINARY APPROVAL - SUBMITTAL REQUIREMENTS

PURPOSE

A Short Plat/Short Subdivision is any subdivision of four (4) or less lots, containing four acres or less. The purpose of Short Plat/Short Subdivision application review is to ensure that a proposed land division is designed and developed in accordance with the City of Mercer Island's adopted rules and standards. The proposal must be consistent with the protection of the public health, safety, welfare and aesthetics, and provide for adequate public services and infrastructure.

PRE-APPLICATION MEETING

A pre-application meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

Please note: pre-application meetings are held on Tuesdays, by appointment. To schedule a meeting, submit the meeting request form and the pre-application meeting fee (see fee schedule). Meetings must be scheduled at least one week in advance. Applicants are required to upload a project narrative, a list of questions/discussion points, and preliminary plans to the Mercer Island File Transfer Site one week ahead of the scheduled meeting date.

SUBMITTAL REQUIREMENTS

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

1. **Completed pre-application.**
2. **Development Application Sheet.** Application form must be fully filled out and signed.
3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated future phases, and briefly describe how the project complies with applicable criteria.
4. **Title Report.** Less than 30 days old.
5. **Transportation Concurrency Application or Certificate.** Submit prior to, or concurrent with, any development proposal that will result in the creation of one or more net new vehicle trips during peak hours.
6. **Development Plan Set.** Please refer to the Land Use Application- Plan Set Guide in preparing plans.
7. **Critical Areas Study(s).** Critical areas studies prepared by a qualified professional, if the site is constrained by critical areas.
8. **Arborist Report.** Arborist reports prepared by a qualified arborist.
9. **SEPA Checklist.** A SEPA checklist is required, unless the project is categorically exempt. Please consult with a planner if you are unsure if the project is exempt.
10. **Fees.** Payment of required fees.

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FINAL PLAT APPROVAL FOR SHORT PLAT OR LOT LINE REVISION/CONSOLIDATION - SUBMITTAL REQUIREMENTS

PURPOSE

After the code official grants preliminary approval for a short subdivision or lot line revision/consolidation and all conditions of preliminary approval and installation of any required plat improvements are completed the applicant may submit for final approval of the short subdivision or lot line revision/consolidation. Once the preliminary plat for a short subdivision or lot line has been approved the applicant has **one year** to submit a final plat which meets all requirements of the Mercer Island City Code Chapter 19.08 – Subdivision Regulations. A short plat or lot line revision/consolidation that has not been recorded within one year after its preliminary approval shall expire, becoming null and void.

This handout is a general guide to the Mercer Island City Code Subdivision Regulations contained in Chapter 19.08.

SUBMITTAL REQUIREMENTS

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

1. **Completed site improvements.** Prior to application for final plat, site improvements shall be completed to the satisfaction of the City Engineer or designee.
2. **Development Application Sheet.** Application form must be fully filled out and signed.
3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated future phases, and briefly describe how the project complies with applicable conditions of approval.
4. **Title Report.** Less than 30 days old.
5. **Transportation Concurrency Application or Certificate.** Submit prior to, or concurrent with, any development proposal that will result in the creation of one or more net new vehicle trips during peak hours.
6. **Final Plat.** Please refer to the development plan set “tip sheet” in preparing plans.
7. **Fees.** Payment of required fees.