

# 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 (PRE21-044)

*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:

<b>Site Location:</b>	8434 SE 39 <sup>th</sup> St	<b>Parcel Number</b>	502190-0691
<b>Lot Size:</b>		<b>Zoning:</b>	R-8.4 (Single Family)
<b>Brief Project Description:</b>	A proposal for a short subdivision to divide an existing lot into two new lots.	<b>Documents Provided:</b>	1. Pre-Application Meeting Request Form 2. Plan Set 3. Project Narrative 4. List of Discussion Points 5. Geotechnical Engineering Report
<b>Applicant Information:</b>			
<b>Name:</b> Huyen Hoang		<b>Email:</b> hhoang@bcj.com	<b>Phone:</b> 206-256-0862
<b>Second Pre-application Meeting Required:</b>	Not Applicable	Click for explanation if necessary	

### Applicant Questions:

1. Is gross floor area calculated from the gross lot area or the net lot area?

**Staff Response:** Gross lot area is calculated using the gross lot area.

2. Can the 12 foot paved plus 4 foot gravel shared driveway consist of two 24-inch concrete driveway strips to reduce the impervious surface impact on Lot 1?

**Staff Response:** The definition of lot coverage includes vehicular driving surfaces. City staff has interpreted this to be measured from the outside edges of the driveway and includes all area between those edges. If you were to install concrete strips, the strips and all of the area between them would need to be included in the lot coverage calculations. It should be noted that the portion of the easement that is not being used by Lot 1 would not be included in the net lot area of Lot 1 and any driveway in that portion of the easement would not count against Lot 1.

3. Does the full 16 feet of shared driveway (4 feet of compacted gravel plus 12 feet paved) count against the allowable impervious surface for Lot 1?

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**Staff Response:** Any area of the access easement that is improved to the point of being vehicular surface would be considered lot coverage. The portion of the driveway that serves Lot 1 would count against the lot coverage allowance for Lot 1. The portion of the driveway that does not serve Lot 1 (i.e. that is further from the City street than Lot 1's driveway) would not be included in the net lot area of Lot 1 and would therefore not count against Lot 1's lot coverage allowance.

4. Is stormwater detention required or can a fee-in-lieu be paid at building permit submittal?

**Staff Response:** Based on the geotechnical report, this site is feasible for an infiltration system. A detailed geotechnical investigation meeting the Department of Ecology requirements is required to confirm the feasibility of the infiltration system. An infiltration system will need to be designed for the drainage system if the soil is confirmed to be feasible. If it is not feasible, then an onsite detention system is required.

5. Is SEPA required?

**Staff Response:** This project is exempt from SEPA under WAC 197-11-800(6)(d)

6. The owner would like to submit a building permit for the future Lot 1 before the short plat is recorded.  
a. Are the setbacks shown on the layout provided correct?

**Staff Response:** MICC 19.02.020(C)(1) requires a 20 foot setback from the front property line and a 25 foot setback from the rear property line. Based on a lot width of 90 feet, the side yard setbacks would need to add up to 15 feet. It should be noted that larger side yard setbacks (up to 10 feet on each side) may be required based on the height of the wall façade abutting the side yards. Please see the planning notes below for more information about setbacks.

- b. Will the City issue a building permit prior to the recording of the short plat?

**Staff Response:** MICC 19.08.020(D)(5)(b) states that an existing lot, created through the final plat approval of a long or short subdivision, shall be a condition precedent for determination of complete application for a building permit to construct a new single-family dwelling. The parent lot is an existing lot created through a long subdivision, so one building permit application could be submitted prior to short plat approval. The short plat would need to receive final plat approval and be recorded with King County before a building permit for the second lot could be accepted.

## Review Comments:

### Fire Comments:

Fire Contact: [Jeromy.Hicks@mercerisland.gov](mailto:Jeromy.Hicks@mercerisland.gov) or 206-275-7966.

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1. General Information
  - a. I have include some basic notes regarding the Fire Review and evaluation processes. Please see the information below. There are several hyperlinks that may be used to help you through this process.
  - b. All of this information is in our “Developer Manual.” Please use this document as a guide unless otherwise stated (by IFC or IBC reference).
2. [Fire Access](#)
  - a. Access roads (defined under IFC 202) under 500 feet are required to be 20 feet in width. Access roads over 500 feet are required to be 26 feet in width (IFC 503.2.1, D103.1, MICC 17.07.020).
  - b. Minimum driveway widths for planning purposes are outlined in MICC 19.09.040.
  - c. Grade shall not exceed 10%. Grades over 10%, but under 20% (maximum), may be evaluated for code alternative requests (IFC 503.2.7).
  - d. Length shall not exceed 150 feet from furthest portion of the building as one would walk (IFC 503.2.1).
  - e. Surface shall be able to withstand an imposed load of 75,000 pounds and be constructed of asphalt. If the grade exceeds 15% the surface shall be brushed concrete (IFC D102.1, MICC 19.09.040).
  - f. Fire access roads, private access roads, and driveways in excess of 150 feet shall have provisions for fire apparatus turn-around as listed/illustrated in Appendix D of the IFC.
3. Fire Flow (Hydrants)
  - a. A hydrant capable of flowing the required fire flow as outlined in the International Fire Code Appendix B shall be located within 300 feet of the furthest portion of the building. This distance is 600 feet for a building with an approved sprinkler system.
4. [Sprinklers](#)
  - a. All new construction and alterations over 50% valuation are required to install a minimum of an NFPA 13d fire sprinkler system.
  - b. Decreased fire flow, access, grade, or building size may trigger the requirement to install an NFPA 13r or 13 sprinkler system.
  - c. Water meter sizing is required for the installation of a fire sprinkler system.
5. [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.
6. [Fire Code Alternatives](#)
  - a. Fire code alternatives may be considered upon application of a building permit. The building designer must proposed 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 core. 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](#).
7. Plat Map Final Approval Statement REQUIRED: Please place on the Final Plat Map
  - a. “All buildings are subject to meeting current fire code requirements at the time of permit submittal. Access shall be provided as outlined in the International Fire Code Appendix D and MICC 19.09.040. Fire plan reviews will be conducted at the time of building permit submittal and may require additional fire protection systems and/or additional fire preventions measures for building approval.”

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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:

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Tree Contact: [John.Kenney@mercerisland.gov](mailto: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. This is to include the 4 trees removed within the past five years.  
[https://www.mercerisland.gov/sites/default/files/fileattachments/community\\_planning\\_amp\\_development/page/21988/mercerislandtreeinventory.pdf](https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/mercerislandtreeinventory.pdf)
3. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070. Confirm the twelve trees that were replanted in 2019 will be protected or replanted at the end of construction.
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).
6. Have an arborist report and tree protection plan created for design and review.  
[https://www.mercerisland.gov/sites/default/files/fileattachments/community\\_planning\\_amp\\_development/page/21988/treesubmittalchecklist.pdf](https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/21988/treesubmittalchecklist.pdf)

For additional information please refer to this helpful webpage:

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

### Civil Engineering Comments:

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Civil Contact: [Ruji.Ding@mercerisland.gov](mailto:Ruji.Ding@mercerisland.gov) or 206-275-7703.

1. Please refer to MICC Title 15 for our Water, Sewers, and Public Utilities code.
2. The drainage report will need to address if MR#7 (flow control system will be required).
3. Based on the geotechnical report, this site is feasible for an infiltration system. A detailed geotechnical investigation meeting the Department of Ecology requirements is required to confirm the feasibility of the infiltration system. An infiltration system will need to be designed for the drainage system if the soil is confirmed to be feasible. If it is not feasible, then an onsite detention system is required.
4. If you reused the existing side sewer for Lot 1 and Lot 2, the shared portion of the side sewer must be 6 inches and in good condition.
5. The existing water service for Lot 1 may need to be replaced based on the fire requirements at the building permit stage. A new water meter for Lot 2 can be deferred to the future building permit stage.
6. All shared infrastructure and the shared driveway will need to be constructed prior to recording the final plat.

For more information on Stormwater Permits please visit here:

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

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## Planning Comments:

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Planning Contact: [Andrew.Leon@mercerisland.gov](mailto:Andrew.Leon@mercerisland.gov) or 206-275-7720.

1. Residential Zoning Standards:
  - a. Yards
    - i. Front yard: 20 feet
    - ii. Rear yard: 25 feet
    - iii. Side yards:
      1. Requirements based on lot width
        - a. The provided site plan shows that the width of both lots is 90 feet. Based on this, the following standards apply:
          - i. The total side yard depth must add up to 15 feet.
          - ii. The minimum allowed side yard depth is 5 feet.
        2. Variable Side Yard Depth Requirement:
          - a. Variable Side Yard Depth Requirements apply to interior lot lines only.
          - b. A minimum side yard of 7.5 feet is required for 1) nongabled roof ends where the height is more than 15 feet; or 2) gabled roof ends more than 18 feet. Both measurements are taken from existing or finished grade, whichever is lower, to the top of the gabled roof end adjoining the side yard.
          - c. A minimum side yard of 10 feet is required for single-family dwellings with a height of more than 25 feet measured from the existing or finished grade, whichever is lower, to the top of the exterior wall facade adjoining the side yard.
      - iv. Eaves may only protrude up to 18 inches into yards; note that no protrusion is allowed within *minimum* side yard setbacks.
      - v. No eave and minor building element protrusion is allowed into the minimum side yard setback established by either the requirements based on lot width or Variable Side Yard Depth Requirement. (MICC 19.02.020(C)(3)).
    - b. Height:
      - i. 30 feet maximum above the Average Building Elevation (ABE) to the highest point of the roof.
      - ii. 30 feet on 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. 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)
      - ii. Lot Coverage is limited to a percentage of net lot area; this percentage varies between 20-40% depending on the slope of the lot. 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.
      - iii. Allowed a maximum of 9% of the lot area can be hardscape
        1. Hardscape includes: patios, uncovered steps, walkways, decks, retaining walls, rockeries, and other hardened surfaces other than drivable surfaces or roofs.

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2. Hardscape improvements can be within the maximum lot coverage allowance. That is, if the proposed lot coverage is less than the maximum lot coverage, the difference between the maximum and proposed areas can be used for hardscape.
- d. Gross Floor Area:
- i. Gross Floor Area includes:
    1. The main building, including but not limited to attached accessory buildings.
    2. All garages and covered parking areas, and detached accessory buildings with a gross floor area over 120 square feet.
    3. 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.
    4. Staircases.
    5. 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.
    6. Space under stairways or stairwells that is used, for example, as a closet or storage space if that space meets the definition of "Floor."
  - ii. Maximum in the R-8.4 zone is 5,000 square feet or 40% of the gross lot area.
  - iii. 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).
  - iv. Second or third level covered decks count towards GFA, only uncovered or covered decks on the main level don't count towards GFA.
  - v. If an accessory dwelling unit is proposed, the 40% allowed gross floor area may be increased by the lesser of 5 percentage points or the actual floor area of the proposed accessory dwelling unit, provided:
    1. The allowed gross floor area of accessory buildings that are not partially or entirely used for an accessory dwelling unit shall not be increased through the use of this provision;
    2. The lot will contain an accessory dwelling unit associated with the application for a new or remodeled single-family home; and
    3. The total gross floor area shall not exceed 4,500 square feet or 45% of the lot area, whichever is less.
  - vi. Basement Area Exclusion
    1. The portion of the basement floor area that is below the existing or finished grade, whichever is lower, can be excluded from the gross floor area of the house.

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2. Please see MICC Title 19, Appendix B for more information about basement area exclusions and how the exclusions are calculated.
2. Subdivision standards
    - a. Streets, roads, and rights-of-way
      - i. Private access roads shall meet the criteria set out in MICC 19.09.040 (described in more detail below).
      - ii. Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private access roads subject to easements of way in favor of the land to be subdivided.
    - b. Residential lots
      - i. The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located.
      - ii. Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.
      - iii. The proposed subdivision shall identify the location of building pads for each proposed lot per MICC 19.09.090. No cross-section dimension of a designated building pad shall be less than 20 feet in width.
      - iv. The proposed subdivision shall incorporate preferred development practices pursuant to MICC 19.09.100 where feasible.
      - v. The proposed subdivision shall be designed to comply with the provisions of Chapter 19.10 MICC.
    - c. Control of Hazards
      - i. Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, or other causes, the city council in the case of a long subdivision, or the code official in the case of a short subdivision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.
      - ii. If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with Chapter 15.09 MICC and shall not increase likely damage to downstream or upstream facilities or properties.
      - iii. Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for drainage detention.
  3. Private access roads and driveways
    - a. 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 (MICC 19.09.040(B)).
    - b. All private access roads in excess of 150 feet in length, measured along the centerline of the access road from the edge of the city street to the end of the access road, shall have a turnaround with an inside turning radius of 28 feet (MICC 19.09.040(D)).
    - c. Driveway gradient (MICC 19.09.040(G))
      - i. No access road or driveway shall have a gradient of greater than 20%

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- ii. For all access roads and driveways with a gradient exceeding 15%, the road surface shall be cement concrete pavement with a brushed surface for traction. Access roads and driveways with gradients of 15% or less may have asphalt concrete surface.
- 4. Building pads (MICC 19.09.090)
  - a. New subdivisions shall designate a building pad for each lot as follows:
    - i. The building pad shall be located to minimize or prevent impacts as indicated in the following:
      - 1. Removal of trees and vegetation required for retention pursuant to Chapter 19.10 MICC shall be prevented.
      - 2. Disturbance of the existing, natural topography as a result of anticipated development within the building pad shall be minimized.
      - 3. Impacts to critical areas and critical area buffers shall be minimized, consistent with the provisions of Chapter 19.07 MICC.
      - 4. Access to the building pad shall be consistent with the standards contained in MICC 19.09.040.
    - ii. Building pads shall not be located within:
      - 1. Required front, rear, or side yard setbacks.
      - 2. Streets or rights-of-way.
      - 3. Critical area, buffers or critical area setbacks; provided building pads may be located within geohazard areas and associated buffers and setbacks when all of the following are met:
        - a. A qualified professional determines that the criteria of MICC 19.07.160(B)(2) and (3), Site development, are satisfied.
        - b. Building pads are sited to minimize impacts to the extent feasible.
        - c. Building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.
  - b. New buildings shall be located within the building pad established by MICC 19.09.090(A).
- 5. Preferred practices (MICC 19.09.100)
  - a. Proposed development shall incorporate all of the following preferred development practices where feasible:
    - i. Use common access drives and utility corridors.
    - ii. Development, including roads, walkways and parking areas, in critical areas should be avoided, or if not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably feasible.
    - iii. Retaining walls should be designed to minimized grading, including the placement of fill, on or near an existing natural slope.
- 6. State Environmental Policy Act (SEPA) Review
  - a. The proposed scope of work is exempt from SEPA pursuant to WAC 197-11-800(6)(d).
  - b. If the scope of work changes, SEPA Review may be required. Please refer to WAC 197-11-800 or consult with planning staff to SEPA requirements.
  - c. If wetlands or watercourses are found on site (i.e. lands covered by water), SEPA Review will likely be required.
- 7. Accessory Dwelling Units (19.02.030)
  - a. At the pre-application meeting, it was mentioned that an accessory dwelling unit (ADU) would be included in the house on Lot 1

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- b. One ADU is permitted as subordinate to a single-family dwelling provided the following requirements are met:
    - i. Either the principal dwelling unit or the ADU must be occupied by an owner of the property or an immediate family member of the property owner.
    - ii. ADUs shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
    - iii. The square footage of the ADU 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 ADU shall not exceed 80% of the total square footage of the primary dwelling unit, excluding the garage area.
    - iv. The ADU may be added to or included within the principal unit, or located in a detached structure.
    - v. The single-family dwelling containing the ADU shall have only one entrance on each front or side street side of the residence.
    - vi. All single-family dwellings with an ADU shall meet the parking requirements pursuant to MICC 19.02.020(G) applicable to the dwelling if it did not have an ADU.
  - c. Approval of the ADU 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 ADU, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this sections, and provides for the removal of the ADU if any of the requirements of this chapter are violated.
8. Easements
- a. The City of Mercer Island GIS does not show any easements on the subject property. You will need to do title research to confirm that there are no easements.
  - b. The provided plan set shows a proposed access easement and a proposed utility easement.
    - i. Access easement standards
      - 1. The access easement will need to be wide enough to accommodate a private access road as set forth in MICC 19.09.040(B).
      - 2. No structures shall be constructed on or over any vehicular access easement. A minimum 5-foot yard setback is required 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 such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.
    - ii. Utility easement standards
      - 1. 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.
9. 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. Current rates are:
    - i. Transportation - \$2,398.81
    - ii. Parks - \$4,533.70

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- 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.
- 10. Transportation Concurrency: Please apply for a transportation concurrency certificate at the same time as the subdivision.
- 11. Vesting: Please see the standards in MICC 19.15.170.
- 12. 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.
- 13. Land Use Application Process and Estimated Timeline:
  - a. Required land use approvals
    - i. Short Subdivision
    - ii. Accessory Dwelling Unit permit
      - 1. Required with the building permit for Lot 1.
  - b. Prompt for consolidated review
  - c. Summary of procedural steps
    - i. Pre-Application meeting
    - ii. Submit application electronically
    - iii. Application Completeness Check
    - iv. Notice of Application (incl. public notice via sign on site, mailing, notice in bulletin) beginning 30-day comment period; review begins
    - v. Review comments may be sent out if needed
    - vi. Preliminary Short Subdivision Notice of Decision
    - vii. Appeal period
    - viii. Final Short Plat review and recording
  - d. A final plat application meeting all requirements of Chapter 19.15 MICC shall be submitted to the code official and recorded within 5 years of the date of preliminary shore plat 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

**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.

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>

Regards

Andrew Leon  
 Planner  
 Community Planning & Development  
 City of Mercer Island

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