



---

**CITY OF MERCER ISLAND**

9611 SE 36<sup>th</sup> Street • Mercer Island, WA 98040-3732

(206) 275-7605 • [www.mercergov.org](http://www.mercergov.org)

**IMPERVIOUS SURFACE DEVIATION  
NOTICE OF DECISION  
November 13, 2017**

**I. PROJECT SUMMARY**

**File Number:** DEV17-016

**Property Owner:** Dean Homes Incorporated

**Location of Property:** 8420 SE 37<sup>th</sup> Street, Mercer Island, WA 98040

**Zoning District:** R-8.4

**Description of Application:** The applicant has requested approval of a deviation from the maximum allowable impervious surface limit. Impervious surfaces are items that prevent water from penetrating into the soil, such as driveways and rooftops. A maximum of 40% of some lots in a residential zone can be covered with impervious surfaces (subject to certain allowances). The City Code allows for the lot to be covered with an additional 5% of impervious surface (for a total of 45% lot coverage) via a deviation application if certain deviation criteria are met.

**Applicant Contact:** Schaelier Chung (Dean Homes Incorporated)

**Decision:** The request for an impervious surface deviation of 2.94% over the maximum allowed lot coverage of 40% (for a total of 42.94%) is **Approved** subject to the conditions listed in the conditions of approval. A 2.94% deviation equals 240 square feet of additional land, totaling in 4,088 square feet available for lot coverage by the property owner.

**Exhibits:**

1. Criteria Response Form received September 26, 2017.
2. Project Cover Letter received September 15, 2017
3. Narrative Letter received September 15, 2017.
4. Development Application received September 7, 2017.
5. Site Development Worksheet received July 6, 2017.

6. Site Plan received September 15, 2017.
7. Comment Letter from Christine and Doug Nakano received October 17, 2017.

## II. **FINDINGS OF FACT**

### 1. Application Description:

The request is for approval of a deviation from the maximum allowable impervious surface limit. The subject property is currently allowed a maximum lot coverage of 40% (subject to certain allowances). The applicant is requesting a deviation that would allow for the lot to be covered with an additional 2.94% of impervious surface (for a total of 42.94% lot coverage) if certain deviation criteria are met.

The City of Mercer Island implemented a new residential development code on November 1, 2017. The applicant has applied for a building permit (permit number 1709-120) concurrently with the impervious surface deviation. The building permit was determined to be complete on September 7, 2017, which vests the development to the residential development standards that were in place prior to the new code implementation. As such, this impervious surface deviation application is being processed under the residential development standards that were in place prior to November 1, 2017.

The subject property is Lot 1 of an unrecorded short plat, as processed under file number SUB15-024. Lot 1 of SUB15-024 is proposed to have an area of 9,620 square feet. 40% of this lot area is 3,848 square feet. A 2.94% deviation would result in 240 square feet of additional land, totaling in 4,088 square feet of space available for impervious surface lot coverage by the property owner.

### 2. Zoning:

The subject site is within the Single Family Residential R-8.4 zone (8,400 square foot minimum lot area) and has an area of approximately 9,620 square feet.

### 3. Lot Slope:

As stated in Exhibit 5, the average lot slope for the property is 7.36%.

### 4. Lot Coverage Allowance:

Per Mercer Island City Code (MICC) 19.02.020(D)(1), lots with a slope less than 15% are allowed a maximum impervious surface coverage of 40%, except when a deviation is granted, pursuant to MICC 19.02.020(D)(3).

### 5. Consistency with Land Use Code/Zoning Requirements:

MICC 19.02.020(D)(3) permits the Code Official to grant a deviation for up to an additional five percent of lot coverage over the maximum requirements. MICC 19.02.020(D)(3) also provides criteria for impervious surface deviations that are listed and addressed in the Conclusions of Law below. MICC 19.15.010(E) requires that the impervious surface deviation application be processed as an administrative action with public notice.

### 5. State Environmental Policy Act (SEPA):

The proposal is categorically exempt from SEPA pursuant to WAC 197-11-800(6)(e).

6. Public Comments:

There is no public hearing requirement for an impervious surface deviation (an administrative action) per MICC 19.15.010(E) and 19.15.020(F)(1). Public notice of the deviation request was mailed to all residents within 300 feet of the subject property, published in the City Bulletin, and posted on the property on October 2, 2017 as required by MICC 19.15.020(D)(4), and 19.15.020(E)(4)(a). Per MICC 19.15.020(D), a 30-day comment period was provided from October 2, 2017 through November 1, 2017. One comment letter was received during the comment period:

**Christine and Doug Nakano** submitted a comment indicating their opposition to the impervious surface deviation. The Nakanos also expressed concern regarding the size of the proposed dwellings and the removal of trees associated with the development.

**Staff Analysis:**

Under MICC 19.02.020(D)(3)(b), an impervious surface deviation of up to 5% may be granted if the subject lot has a unique shape or proportions. As discussed in Conclusion 2 below, the subject property is a partial flag lot. Therefore, an impervious surface deviation may be granted for the subject lot.

The size of the dwellings and the removal of trees as a part of the development of the subject parcel is outside the scope of review for the impervious surface deviation. These issues are being reviewed as a part of the building permit for the dwelling, which is being processed under permit number 1709-120.

**III. CONCLUSIONS OF LAW**

Recognizing the decision criteria specified in the Mercer Island City Code for an impervious surface deviation, staff has made the following conclusions:

1. MICC 19.01.070 states the guidelines for the granting of variances and deviations.

- A. *Per MICC 19.01.070(B)(1), an applicant may request a deviation only from those numeric standards that have been specifically designated as being subject to a deviation.*

**Staff Analysis:**

Impervious surface deviations are authorized under MICC 19.02.020(D)(3), thus the applicant may request an impervious surface deviation, and is in compliance with MICC 19.01.070(B)(1).

- B. *A deviation may be granted if the applicant demonstrates that the criteria set out in MICC 19.15.020(G)(5), and any additional deviation criteria set out in the code section under which the permit would be issued, are satisfied.*

**Staff Analysis:**

MICC 19.15.020(G) requires compliance with the deviation criteria established in MICC 19.02.020(D)(3). Upon reviewing the application for compliance with the deviation criteria in MICC 19.02.020(D)(3), planning staff find that the criteria are met; additional analysis is provided below.

2. MICC 19.02.020(D)(3) states that the code official may grant a deviation, allowing an additional five percent of lot coverage over the maximum requirements; provided the applicant demonstrates through submittal of an application and supporting documentation that the proposal meets one of the following criteria:

a. *The proposal uses preferred practices, outlined in MICC 19.09.100, which are appropriate for the lot. MICC 19.09.100 states that the applicant must use reasonable best efforts to comply with the following preferred development practices:*

A. *Use common access drives and utility corridors.*

B. *Development, including roads, walkways and parking area in critical areas, should be avoided, or if not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably feasible.*

C. *Retaining walls should be used to maintain existing natural slopes in place of graded artificial slopes.*

**Staff Analysis:**

The subject parcel contains a shared access and utility easement that also serves Lot 2 of SUB15-024. The easement contains the driveway that leads to the proposed dwelling on the subject parcel, as well as the proposed dwelling on Lot 2. The shared, common access follows part A of the preferred development practices. This criterion is met.

b. *The lot has unique shape or proportions (i.e., a flag lot, with a circuitous driveway corridor).*

**Staff Analysis:**

The applicant has not proposed to use MICC 19.02.020(D)(3)(b) as a part of this project.

c. *The proposal minimizes impacts to critical areas and provides the minimum extent possible for the additional impervious surfaces.*

**Staff Analysis:**

The applicant has not proposed to use MICC 19.02.020(D)(3)(c) as a part of this project.

3. MICC 19.15.020(K) states: Except for building permits or unless otherwise conditioned in the approval process, permits shall expire one year from the date of notice of decision if the activity approved by the permit is not exercised. Responsibility for knowledge of the expiration date shall be with the applicant.

**Staff Analysis:**

The applicant will be required to comply with 19.15.020(K) as a condition of approval.

**IV. DECISION**

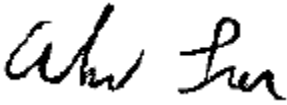
Based upon the above noted Findings of Fact and Conclusions of Law, Impervious Surface Deviation application DEV17-016, as depicted by Exhibit 3, is hereby **APPROVED WITH CONDITIONS**. This decision is final unless appealed in writing consistent with adopted appeal procedures.

**V. CONDITIONS OF APPROVAL**

The following conditions shall be binding on the “Applicant”, which shall include the owner or owners of the property, heirs, assign, and successors:

1. This permit approval (DEV17-016) allows for impervious surface development up to 42.94% of the total lot area at 8420 SE 37<sup>th</sup> Street. This permit is not an approval of the proposed site plan. The impervious surface lot coverage of the proposed development on the site shall be verified under the building permit.
2. The applicant shall obtain all required permits for construction.
3. Per MICC 19.15.020(K), this permit (DEV17-016) shall expire one year from the date of notice of decision if the activity approved by the permit is not exercised. Responsibility for knowledge of the expiration date shall be with the applicant.
4. The impervious surface lot coverage on this site shall be verified at the time of final inspection by the City Inspector. The City of Mercer Island may require impervious surface on this site to be verified by a Washington State licensed surveyor at the time of final inspection.

**Approved this 13<sup>th</sup> day of November, 2017.**



---

**Andrew Leon, Planner  
Development Services Group  
City of Mercer Island**

Parties of record have the right to appeal this decision. If you desire to file an appeal, you must submit the appropriate form, available from the Development Services Group, and file it with the City Clerk within fourteen (14) days from the date this decision is signed. Upon receipt of a timely complete appeal application and appeal fee, an appeal hearing will be scheduled. To reverse, modify or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city’s applicable decision criteria.

*Please note that the City will provide notice of this decision to the King County Department of Assessment, as required by State Law (RCW 36.70B.130). Pursuant to RCW 84.41.030(1), affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation by contacting the King County Department of Assessment at (206) 296-7300.*

---

---

# CITY OF MERCER ISLAND

## DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)

Inspection Requests: Online: [www.MyBuildingPermits.com](http://www.MyBuildingPermits.com) VM: 206.275.7730

---



---

## Deviations to the Maximum Impervious Surface Requirements

---

### APPLICATION FEE: See Development Application for current fees

The total percentage of a lot that can be covered by impervious surfaces (structures, including roof projections, impervious decks, and surfaces such as asphalt or concrete driveways, which substantially reduce and alter the natural infiltration characteristics of the soil) is limited by the slope of the lot for all single family developments as follows:

<u>Lot Slope</u>	<u>Maximum Lot Coverage</u> (limit for impervious surfaces)
Less than 15%	40%
15% – less than 30%	35%
30% – 50%	30%
Greater than 50%	20%

The Code Official may grant a deviation, allowing an additional five (5) percent of lot coverage over the maximum requirements. However, the applicant must demonstrate through the submittal of an application and supporting documentation that the proposal meets one of the criteria specified in MICC 19.02.020(D)(3).

### Your application must include the following:

1. Select at least one of the three criteria listed below;
2. Give a complete statement of the reasons and conditions to support your request for a waiver in a cover letter;
3. Complete questions 1-4 regarding how this proposal addresses site issues;
4. Complete the attached site development worksheet;
5. Attach a detailed site plan or survey as determined by the Code Official; and
6. Provide calculations documenting total impervious surfaces

**Please choose one of the following criteria and provide an explanation as to how the proposal meets the chosen criteria. City staff may grant a deviation (limited to 5% over the maximum lot coverage requirement based on one criterion).** Please be as encompassing as you can in responding to the following criteria; remember, the burden of proof is on the applicant to show that they meet the minimum requirements for a deviation. Please feel free to attach additional sheets.

- Criterion 1** – The proposal uses Preferred Practices, outlined in MICC 19.09.100, which are appropriate for the lot

Construction - Preferred Practices (MICC 19.09.100):

1. Use common access drives and utility corridors where feasible.

2. 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.
3. Retaining walls should be used to maintain existing natural slopes in place of graded artificial slopes; or,
  - Criterion 2** – The lot has a unique shape or proportions (i.e., a flag lot, with a circuitous driveway corridor); or,
  - Criterion 3** – The proposal minimizes impacts to Critical Areas and is the minimum extent possible for the additional impervious surfaces.

Please provide an explanation as to how your proposal meets at least one of the above criteria to support a deviation request

PEAK HOMES INCORPORATED DEVELOPMENT PLAN WAS DESIGNED TO USE COMMON ACCESS DRIVES AND COMMON UTILITY CORRIDORS. THE PLACEMENT OF HOMES ON EACH LOT WAS SET TO AVOID CRITICAL AREAS ALONG WITH THE USE OF MINIMIZING IMPACT TO EXISTING TREES. RETAINING WALLS WILL NOT BE NEEDED OR USED, NATURAL SLOPES TO REMAIN UNTOUCH.

**PLEASE ANSWER HOW YOUR PROPOSAL ADDRESSES THE FOLLOWING QUESTIONS:**

1. How is the proposed development associated or related to the site?

PROPOSED DEVELOPMENT TO BUILD ~~THE~~ SINGLE FAMILY RESIDENCE

2. What is the minimum amount of impervious surface necessary to fulfill the request?

42.49 %

3. Are there other relevant physical or environmental factors that support the requested deviation?

PAVED ACCESS EASEMENT

Application for a deviation involves substantial time, expense, and risk for a property owner. Application does not guarantee approval. Request must meet difficult criteria, and applicants are proceeding "at their own risk".



Signature of Property Owner

2017-7-14

Date

8420 SE 37TH ST, MERCER ISLAND, WA 98040

Site Address



Date: September 15, 2016

To: City of Mercer Island Development Services Group / Planning Division  
9611 SE 36<sup>th</sup> ST  
Mercer Island, WA 98040

RE: Request IAD for Dean Homes @ L1 SUB 15-204: 8420 SE 37th ST; Mercer Island

Dear Sir or Madam,

I hereby request an impervious area deviation to allow my clients to increase the allowable impervious area on their property from 40.00% to 42.94%, for the development of a future new SFR on the newly subdivided lot at 8420 SE 37th ST.

The 9,620sf subject lot contains a 1220sf access easement serving Lot 2 of the short plat. This easement is required by Mercer Island policies, and is a Preferred Practices per MICC 19.08.100; "Use(s) common access drives and utility corridors where feasible."

The 1220sf access easement is 12.68% of the lot's 9,620sf area; and more significantly absorbs 31.70% of the 40.00% maximum lot coverage. The access easement requirement places a substantial encumbrance on the lot, by limiting the lot coverage available for the construction of a new residence on the subject lot. This limitation justifies administrative relief via an impervious area deviation for an additional 2.94% lot coverage (240sf impervious area), which will allow development consistent with other lots in the same zone and vicinity.

Thank you in advance for your consideration of this request.

Sincerely,

Jeffrey deRoulet, Architect/President  
Architects Northwest, Inc

## **Impervious Area Deviation for Dean Homes - L1 SUB 15-204 @ 8420 SE 37th ST, MI**

### **Please provide an explanation as to how your proposal meets at least one of the above criteria to support a deviation request:**

Criterion 1: The proposal uses Preferred Practices, outlined in MICC 19.08.100, which are appropriate for the lot; specifically; 1. Uses common access drives and utility corridors where feasible.

The 9620sf vacant lot is the front (southern) lot of a 2-lot short plat. A 1220sf (20'w x 61'd) area on its SE corner contains an access easement for the northern lot of the short plat (lot 2) and provides a common access drive for Lot 1. The 1220sf access easement counts as impervious area on Lot 1, which is 12.68% of its lot area, and 31.70% of its 40% allowed lot coverage (7.32% lot slope); thereby justifying partial relief in the form of an impervious area deviation.

The requested deviation of 2.94% (240sf) of additional impervious surface area (total of 42.94%) is to mitigate the impact of the 1220sf Lot 2 access easement, which occupies 31.70% of Lot 1's allowable impervious area (12.68% / 40.00% = 31.70%) be allocated to the access easement. The easement area north of Lot 1's driveway is 16.67' x 20' = 333sf. If the Lot 2 access easement did not exist and the Lot 1 driveway remained in its proposed length and width, Lot 1's impervious area would be 3755sf, or 39.03%. The deviation is therefore made necessary by the existence of the Lot 2 access easement. If the lot was a conventional street-access lot, the requested relief via an imperious area deviation would not be necessary.

The requested deviation represents the minimum impervious area necessary to construct the desired new residence and site improvements consistent with the scale of residences in the immediate vicinity.

### **1. How is the proposed development associated or related to the site?**

The proposal allows for a roof area of 2596sf (less than 45'w x 60'd to the gutters) plus 1496sf of driveway and auto court/turnaround. The proposed roof area and driveway area will allow for a 2-story residence of approximately 3200sf with a 2-car garage, storage, porches and decks. This size and scale of development is consistent with new and existing residences in the vicinity. The 2.94% additional impervious area equals 240sf.

### **2. What is the minimum amount of impervious surface necessary to fulfill this request?**

The requested increase to 42.94% impervious lot area exceeds the 40.00% lot coverage allowed by 240sf. Compliance with the 40.00% limit would restrict the potential home size to 2500sf + 2-car garage, far less than what is typical for a 8440sf (net) lot in this vicinity. Therefore, the request for an additional 240sf (2.94%) of impervious area is the minimum necessary to fulfill this request.

### **3. Are there other relevant physical or environmental factors that support the requested deviation?**

No, the existence of the access easement for Lot 2 as required by MICC 19.08.100 Preferred Practice, as described in the explanation above, is justification for the requested 2.94% impervious area deviation.

The subject lot connects into a new storm retention/drainage system construction for the 2-lot short plat, and therefore granting the impervious area deviation will not create any drainage, erosion, or landslide issues or hazards for the subject lot or any adjacent lots.

**CITY OF MERCER ISLAND**  
**DEVELOPMENT SERVICES GROUP**

9611 SE 36TH STREET | MERCER ISLAND, WA 98040  
 PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)



CITY USE ONLY		
PERMIT #	RECEIPT #	FEE
Date Received:		

**DEVELOPMENT APPLICATION**

Received By:

STREET ADDRESS/LOCATION 8420 - SE 37TH STREET (LOT 1)		ZONE
COUNTY ASSESSOR PARCEL #'S 5021900090		PARCEL SIZE (SQ. FT.)
PROPERTY OWNER (required) DEAN HOMES INCORPORATED	ADDRESS (required) P.O. BOX 3545 BELLEVUE, WA 98009	CELL/OFFICE (required) 206-423-3048 E-MAIL (required) SCHAEЛИER@DEANHOME.COM
PROJECT CONTACT NAME SCHAEЛИER CHUNG	ADDRESS P.O. BOX 3545 BELLEVUE, WA 98009	CELL/OFFICE E-MAIL
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

**DECLARATION:** I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE \_\_\_\_\_

5 Sept 2012  
DATE

**PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL** (PLEASE USE ADDITIONAL PAPER IF NEEDED):

Impervious surface deviation (5% lot overage) for proposed single family residence at 8420-SE 37th St. (Lot 1)

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

**CHECK TYPE OF LAND USE APPROVAL REQUESTED:**

APPEALS	DEVIATIONS Continued	SUBDIVISION SHORT PLAT Continued
<input type="checkbox"/> Building (+cost of file preparation)	<input checked="" type="checkbox"/> Impervious Surface (5% Lot overage)	<input type="checkbox"/> Short Plat Amendment
<input type="checkbox"/> Land use (+cost of verbatim transcript)	<input type="checkbox"/> Shoreline	<input type="checkbox"/> Final Short Plat Approval
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Wet Season Construction Moratorium	<b>VARIANCES (Plus Hearing Examiner Fee)</b>
<b>CRITICAL AREAS</b>	<b>ENVIRONMENTAL REVIEW (SEPA)</b>	<input type="checkbox"/> Type 1**
<input type="checkbox"/> Determination	<input type="checkbox"/> Checklist: Single Family Residential Use	<input type="checkbox"/> Type 2***
<input type="checkbox"/> Reasonable Use Exception	<input type="checkbox"/> Checklist: Non-Single Family Residential Use	<b>OTHER LAND USE</b>
<b>DESIGN REVIEW</b>	<input type="checkbox"/> Environmental Impact Statement	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Administrative Review	<b>SHORELINE MANAGEMENT</b>	<input type="checkbox"/> Code Interpretation Request
<input type="checkbox"/> Design Review – Major	<input type="checkbox"/> Exemption	<input type="checkbox"/> Comprehensive Plan Amendment (CPA)
<input type="checkbox"/> Design Review – Minor	<input type="checkbox"/> Semi-Private Recreation Tract (modification)	<input type="checkbox"/> Conditional Use (CUP)
<b>WIRELESS COMMUNICATIONS FACILITIES</b>	<input type="checkbox"/> Semi-Private Recreation Tract (new)	<input type="checkbox"/> Lot Line Revision
<input type="checkbox"/> Wireless Communications Facilities- 6409 Exemption	<input type="checkbox"/> Substantial Dev. Permit	<input type="checkbox"/> Lot Consolidation
<input type="checkbox"/> New Wireless Communications Facility	<b>SUBDIVISION LONG PLAT</b>	<input type="checkbox"/> Noise Exception
<b>DEVIATIONS</b>	<input type="checkbox"/> Long Plat	<input type="checkbox"/> Reclassification of Property (Rezoning)
<input type="checkbox"/> Changes to Antenna requirements	<input type="checkbox"/> Subdivision Alteration to Existing Plat	<input type="checkbox"/> ROW Encroachment Agreement (requires separate ROW Use Permit)
<input type="checkbox"/> Changes to Open Space	<input type="checkbox"/> Final Subdivision Review	<input type="checkbox"/> Zoning Code Text Amendment
<input type="checkbox"/> Fence Height	<b>SUBDIVISION SHORT PLAT</b>	
<input type="checkbox"/> Critical Areas Setback	<input type="checkbox"/> Short Plat	
	<input type="checkbox"/> Deviation of Acreage Limitation	

\*\*Includes all variances of any type or purpose in all zones other than single family residential zone: B, C-O, PBZ, MF-2, MF2L, MF-2L, MF-3, TC, P)

\*\*\*Includes all variances of any type or purpose in single family residential zone: R-8.4, R-9.6, R-12, R-15)

# Site Development Information

## *Worksheet for single family residential development*

Project description: \_\_\_\_\_ Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone No. \_\_\_\_\_ Date \_\_\_\_\_

Signature & phone number of Individual who Completed this Worksheet \_\_\_\_\_  
 (I hereby state that the information provided by me is true and correct to the best of my knowledge)

Will any large trees be removed as a result of this development activity? \_\_\_\_\_ Yes \_\_\_\_\_ No

Large tree—conifers ≥ 6' tall, deciduous with diameter > 6".

Do you have an Accessory Dwelling Unit? \_\_\_\_\_ New ADU \_\_\_\_\_ Existing ADU \_\_\_\_\_ None \_\_\_\_\_

*This is intended as a worksheet and is not a substitute for the Mercer Island Development Regulations. Please consult the Mercer Island City Code.  
 City of Mercer Island — Development Services Group 9611 S.E. 36th Street, Mercer Island, Washington 98040 — (206) 275-7605*

### DEVELOPMENT INFORMATION

**LOT SLOPE**—According to the Mercer Island City Code, slope is a measurement of the average incline of the lot or other piece of land calculated by subtracting the lowest elevation of the property from the highest elevation, and dividing the resulting number by the shortest horizontal distance between these two points. The resulting product is multiplied by 100.

**LOT COVERAGE**—On Mercer Island, the overall degree of lot slope governs total lot coverage. When calculating maximum allowable lot coverage, include all impervious surfaces, such as roof areas of primary and accessory buildings, impervious decks, patios, sidewalks, driveways and access easements. Refer to page 3 for more information about Pavers and Other Impervious Surfaces and Exemptions.

\*The applicant shall note that impervious surface exemptions to lot coverage do not apply to stormwater runoff calculations or to critical areas.

The table below offers basic guidelines on lot slope and allowable lot coverage:

Lot Slope	Allowed Lot Coverage
Less than 15%	No more than 40%
15% - less than 30%	No more than 35%
30% - 50%	No more than 30%
Greater than 50%	No more than 20%

A steep slope is any slope of 40 percent or greater calculated by measuring the vertical rise over any 30-foot horizontal run.

Please refer to page 3 for materials that are exempt from lot coverage calculations per MICC 19.02.020(D)(2).

Pavers and gravel surfaces for vehicular access are **ALWAYS** considered 100% impervious.

### LOT INFORMATION

#### LOT SLOPE

Highest Elevation Point of Lot \_\_\_\_\_ feet  
 Lowest Elevation Point of Lot \_\_\_\_\_ feet  
 Elevation Difference \_\_\_\_\_ feet  
 Horizontal Distance Between High and Low Points \_\_\_\_\_ feet  
 Lot Slope\* \_\_\_\_\_ %

*\*Lot slope is the elevation difference divided by horizontal distance multiplied by 100*

#### LOT COVERAGE

Allowed Lot Coverage \_\_\_\_\_ % of Lot  
 Gross Lot Area \_\_\_\_\_ Sq. Ft.  
 Main Structure Roof Area \_\_\_\_\_ Sq. Ft.  
 Accessory Building Roof Area \_\_\_\_\_ Sq. Ft.  
 Impervious Deck, Patio, Walkway Area \_\_\_\_\_ Sq. Ft.  
 Vehicular Use (Driveway, Access Easements, Parking) \_\_\_\_\_ Sq. Ft.  
 Total Existing Impervious Surface \_\_\_\_\_ Sq. Ft.  
 (Total Area Removed) ( \_\_\_\_\_ ) Sq. Ft.  
 Total New Impervious Surface Area \_\_\_\_\_ Sq. Ft.  
 Total Project Impervious Surface Area (Existing plus new) \_\_\_\_\_ Sq. Ft.  
 Proposed Lot Coverage \_\_\_\_\_ % of Lot

*Lot Coverage equals total impervious surface area divided by the gross lot area multiplied by 100*

**BUILDING AREA**—All building areas must be identified and labeled on the site plan. Please distinguish all new construction from existing areas on both your drawing and in the calculations you complete to the right.

Will you be excluding a portion of the basement floor area?

Yes       No

If yes, you must provide basement floor area calculations, with your building permit application, that show how you determined what portion of the basement will be excluded. Refer to page 4.

BUILDING AREA	Existing Area	Removed Area	New/Addition Area	Total
Upper Floor	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Main Floor	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Gross Basement Area	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Garage/Carport	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Total Floor Area	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Accessory Buildings	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.
Basement Area Excluded	( ) Sq. Ft.	( ) Sq. Ft.	( ) Sq. Ft.	( ) Sq. Ft.
<b>TOTAL Building Area</b>	Sq. Ft.	Sq. Ft.	Sq. Ft.	Sq. Ft.

**GROSS FLOOR AREA**—Gross Floor Area (GFA) is the total square footage of floor area bounded by the exterior faces of a building.

The gross floor area of a single-family dwelling includes:

- The main building, including but not limited to attached accessory buildings.
- All garages and covered parking areas, and detached accessory buildings with a gross floor area over 120 square feet.
- That portion of a basement which projects above existing grade as defined and calculated in Appendix B of this development code.

Exterior decks and below existing grade areas are excluded. The amount of living space, garages and other accessory buildings on a single family lot is limited to 45% of the net lot area. Please refer to Pages 4 and 5 for details.

**GROSS FLOOR AREA**

Net Lot Area \_\_\_\_\_ Sq. Ft.

*Net Lot Area Gross = Lot area minus ingress/egress easement*

Net Lot Area x 45% equals:

Allowed Gross Floor Area \_\_\_\_\_ Sq. Ft.

Proposed Gross Floor Area \_\_\_\_\_ Sq. Ft.

Proposed % of Lot Area \_\_\_\_\_ %

**BUILDING HEIGHT** – All building height measurements must be taken from existing grade. Existing grade refers to ground surface as it exists at the proposed building perimeter before grading or other alterations take place.

The Average Building Elevation (ABE) is a calculated reference elevation from which the allowable building height is measured. It is a weighted-average of the mid-point elevations of the building's wall segments and is established by the following formula:

$$\frac{(\text{Mid-point elevation of individual wall segment}) \times (\text{Length of wall segment})}{(\text{Total length of wall segments})}$$

Single family new construction and additions are limited to a maximum height of 30 ft. above the ABE. The height is measured to the top of the structure. On the downhill side of a sloping lot, the building may extend to a height of 35 feet measured from existing grade to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.; provided, the roof ridge does not exceed 30 feet in height above the average building elevation.

A topographic survey is required at permit application when the proposed building height is within 2 ft. of the allowable building height. The survey must include a statement that attests the average contour elevation within the vicinity of the building footprint to be accurate within 6 inches vertically and horizontally from actual elevations.

**BUILDING HEIGHT**

Average Building Elevation (ABE) calculations located on sheet #: \_\_\_\_\_

Allowable Building Height (ABE + 30 ft.): \_\_\_\_\_

Proposed Building Height (ft.): \_\_\_\_\_

Benchmark elevation (ft.)\* : \_\_\_\_\_

Describe Benchmark location (must be undisturbed throughout project): \_\_\_\_\_

Sloping lot (Downhill side) – maximum height of top exterior wall façade above lowest existing grade (35-ft. max.): \_\_\_\_\_

ABE and allowable building height shown on elevations-plan sheet #: \_\_\_\_\_

Topo-survey accuracy attested on plan sheet #: \_\_\_\_\_

*(Note- survey must attest to accuracy when proposed building height is within 2 ft. of the allowable building height)*

*Please see page 6 for more information about calculating Average Building Elevation (ABE):*

*\*The bench mark elevation is a fixed elevation point on or off site that will not be disturbed during development activity and is used to verify final building height.*

## IMPERVIOUS SURFACES INCLUDING PAVERS, AND OTHER PARTIAL EXEMPTIONS

The Mercer Island Unified Development Code (Section 19.02.020) contains maximum impervious surface limits for lots. The information below describes surfaces that are impervious or pervious. Refer also to the excerpts from the Code with respect to impervious surfaces including applicable definitions and impervious surface exemptions (see below).

IMPERVIOUS SURFACES INCLUDE WITHOUT LIMITATION THE FOLLOWING:	
1. <b>Buildings:</b>	The footprint of the building and structures including all eaves
2. <b>Vehicular Use:</b>	Driveways, streets, parking areas and other areas, whether constructed of gravel, pavers, pavement, concrete or other material, that can reasonably allow vehicular travel
3. <b>Sidewalks:</b>	Paved pedestrian walkways, sidewalks and bike paths
4. <b>Recreation Facilities:</b>	Decks, patios, porches, tennis courts, sport courts, pools, hot tubs, and other similar recreational facilities
5. <b>Miscellaneous:</b>	Any other structure or hard surface which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or causes water to run off the surface in greater quantities or at an increased rate of flow from present flow rate under natural conditions prior to development

EXEMPTIONS	
For purposes of lot coverage only, the following are exempted from being counted toward total impervious surface lot coverage for an individual building lot. These exemptions do not apply to stormwater runoff calculations for sizing conveyance, detention systems or to critical areas.	
1. <b>Decks/Platforms:</b>	Decks and platforms constructed with gaps measuring 1/8 inch or greater between the boards, which provide free drainage between boards as determined by the Code Official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.
2. <b>Pavers*:</b>	Pavers installed with a slope of five percent (5%) or less and covering no more than ten percent (10%) of the total lot area will be calculated as only seventy-five percent (75%) impervious. Provided, however, that all pavers placed in driveways, private streets, access easements, parking areas and critical areas shall be considered 100% impervious. "Pavers" are defined as pervious pavers, per MICC 19.16.010 (P) and Washington State Stormwater Management Manual (Updated version available at <a href="http://www.ecy.wa.gov/programs/wq/stormwater/manual.html">http://www.ecy.wa.gov/programs/wq/stormwater/manual.html</a> ).
3. <b>Patios/Terraces:</b>	Uncovered patios/terraces constructed of pavers shall be exempt from the maximum impervious surface limits.
4. <b>Pedestrian oriented walkways:</b>	Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits.
5. <b>Rockeries/Retaining Walls:</b>	Rockeries and retaining walls shall be exempt from the maximum impervious surface limits
* <b>Pavers:</b> A paver or pavement that allows rain and/or surface water runoff to pass through it and reduce runoff from a site and surrounding areas. Pavers include porous pavement, porous pavers, and permeable interlocking concrete pavement as described in the Washington State Department of Ecology Stormwater Management Manual, as now exists or hereinafter amended.	

IMPERVIOUS VS. PERVIOUS	
<u>Impervious</u>	<u>Pervious</u>
<u>Decks and platforms</u> constructed with no gaps, gaps less than 1/8 inch between boards, or when the surface below the deck or platform is considered impervious.	<u>Decks and platforms</u> constructed with gaps 1/8 inch or greater between boards to provide free drainage provided that the surface below the deck or platform is not impervious.
<u>Pavers</u> placed in driveways, private streets, access easements, parking areas and critical areas are considered 100% impervious.	* <u>Pavers</u> used for uncovered patios or terraces are exempt from the maximum impervious surface limits. (See definition of "pavers" in previous section.)
Uncovered <u>pedestrian walkways</u> constructed with gravel or pavers exceeding 60 inches in width or in critical areas.	Uncovered <u>pedestrian walkways</u> constructed with gravel or pavers not exceeding 60 inches in width.
Access easements, driveways and parking areas	Rockeries and retaining walls.
<i>Note: the impervious surface exemptions contained in MICC 19.02.020(D)(2) apply only to impervious surface lot coverage and do not apply to stormwater runoff calculations (conveyance and detention). NOTE: These exceptions do not apply in critical areas.</i>	

## APPENDIX B — BASEMENT FLOOR AREA CALCULATION

The Mercer Island Development Code allows for the portion of the basement floor area which is below grade to be excluded from the Gross Floor Area. That portion of the basement which will be excluded is calculated as shown:

Portion of Excluded Basement Floor Area = Total Basement Area x

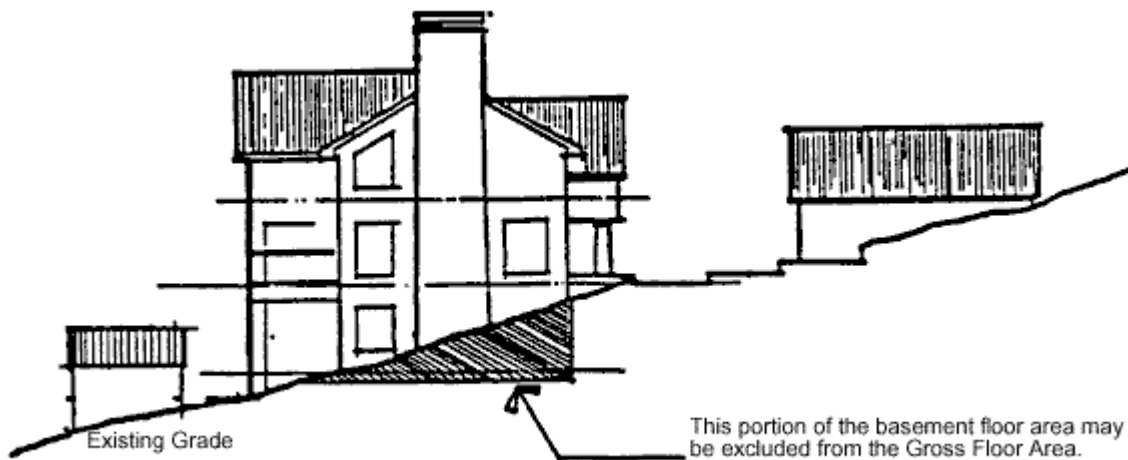
$$\frac{\sum (\text{Wall Segment Coverage} \times \text{Wall Segment Length})}{\text{Total of all Wall Segment lengths}}$$

Where the terms are defined as follows:

**Total Basement Area:** The total amount of all basement floor area.

**Wall Segment Coverage:** The portion of an exterior wall below existing grade. It is expressed as a percentage. Refer to example below.

**Wall Segment Length:** The horizontal length of each exterior wall in feet.



### EXAMPLE OF BASEMENT FLOOR AREA CALCULATION

This example illustrates how a portion of the basement floor area may be excluded from the Gross Floor Area. In order to complete this example, the following information is needed:

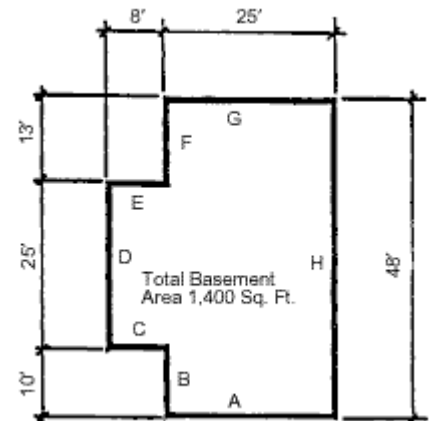
- A topographic map of the existing grades.
- Building plans showing dimensions of all exterior wall segments and floor areas.
- Building elevations showing the location of existing grades in relation to basement level.

#### Step One

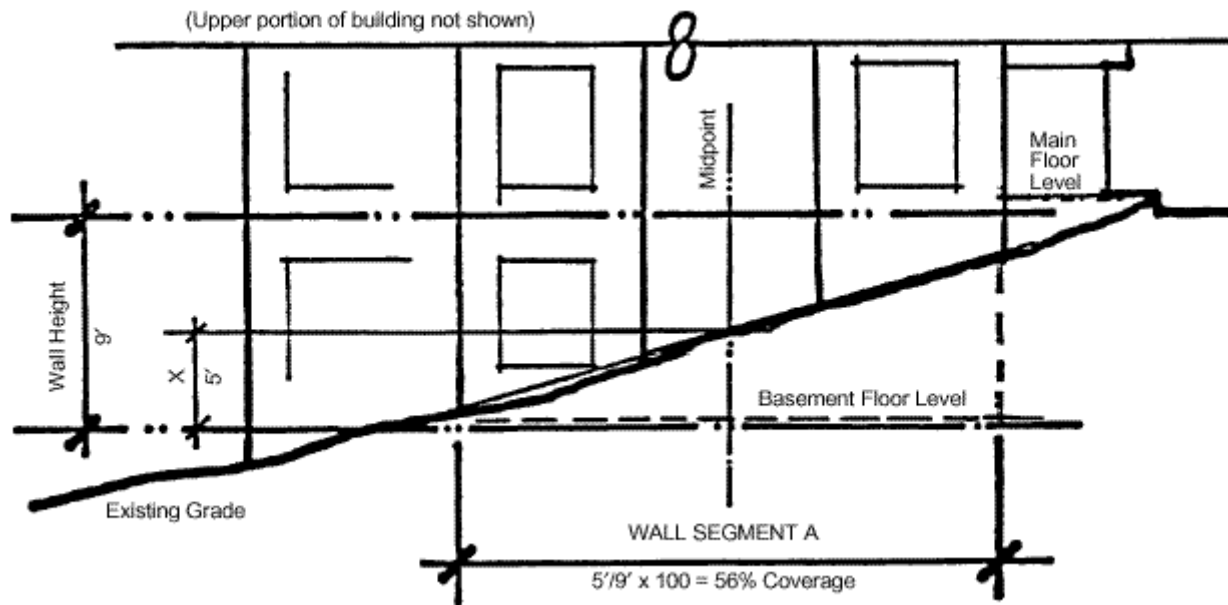
Determine the number and lengths of the Wall Segments.

#### Step Two

Determine the Wall Segment Coverage (in %) for each Wall Segment. In most cases this will be readily apparent, for example a downhill elevation which is entirely above existing grade. In other cases where the existing contours are complex, an averaging system shall be used. Refer to illustration.



APPENDIX B (Continued)



Step Three

Multiply each Wall Segment Length by the percentage of each Wall Segment Coverage and add these results together. Divide that number by the sum of all Wall Segment Lengths. This calculation will result in a percentage of basement wall which is below grade. (This calculation is most easily completed by compiling a table of the information as illustrated below.)

Wall Segment	Length x	Coverage =	Result
A	25'	56%	14'
B	10'	0%	0'
C	8'	0%	0'
D	25'	0%	0'
E	8'	0%	0'
F	13'	0%	0'
G	25'	60%	15'
H	48'	100%	48'
Totals	162'	NA	77%

Step Four

Multiply the Total Basement Floor Area by the above percentage to determine the Excluded Basement Floor Area.

Portion of Excluded Basement Floor Area

$$= 1,400 \text{ Sq. Ft.} \times \frac{(25' \times 56\% + 10' \times 0\% + \dots + 25' \times 60\% + 48' \times 100\%)}{162'}$$

$$= 1,400 \text{ Sq. Ft.} \times 47.53\%$$

$$= 665.42 \text{ Sq. Ft. Excluded from the Gross Floor Area}$$



# CALCULATING AVERAGE BUILDING ELEVATION (ABE)

No part of a structure may exceed 30 feet in height above the "Average Building Elevation" to the top of the structure, except that on the downhill side of a sloping lot the structure shall not extend to a height greater than 35 feet measured from existing grade to the top plate of the roof; provided the roof ridge does not exceed 30 feet in height above the "Average Building Elevation." ABE is defined as: The elevation established by averaging the elevation at existing grade, prior to any development activity, at the center of all exterior walls of the completed building.

**NOTE:**  
 INCOMPLETE  
 AVERAGE BUILDING  
 ELEVATION  
 INFORMATION  
 COULD  
 SUBSTANTIALLY  
 DELAY THE  
 PROCESSING  
 OF YOUR  
 APPLICATION

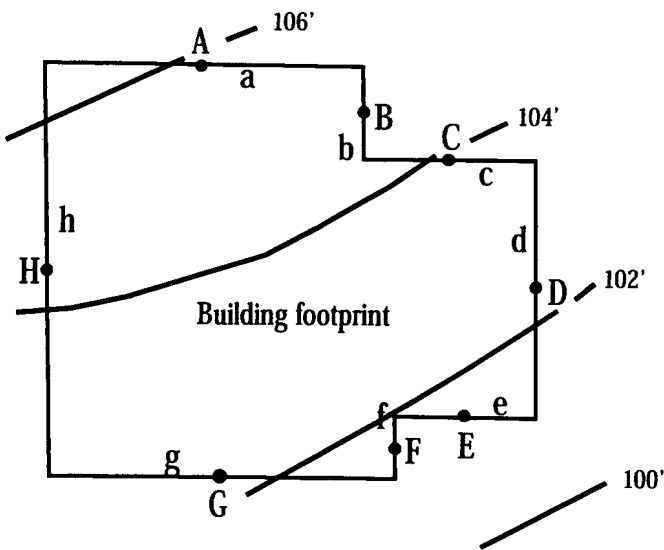
**AVERAGE BUILDING ELEVATION FORMULA:**

$$\frac{(\text{Mid-point Elevation of Individual Wall Segment}) \times (\text{Length of Individual Wall Segment})}{(\text{Total Length of Wall Segments})}$$

—OR—

$$\frac{(Axa)+(Bxb)+(Cxc)+(Dxd)+(Exe)+(Exe)+(Fxf)+(Gxg)+(Hxh)}{a + b + c + d + e + f + g + h}$$

WHERE: A,B,C,D... = Existing Ground Elevation at Midpoint of Wall Segment  
 AND: a,b,c,d... = Length of Wall Segment Measured on Outside Wall



MIDPOINT ELEVATION	WALL SEGMENT LENGTH
A = 105.9 feet	a = 30 feet
B = 104.7 feet	b = 9 feet
C = 103.7 feet	c = 17 feet
D = 102.7 feet	d = 25 feet
E = 101.6 feet	e = 13 feet
F = 101.7 feet	f = 6 feet
G = 102.2 feet	g = 34 feet
H = 104.5 feet	h = 40 feet

**ABE CALCULATION:**

$$\frac{(105.9)(30)+(104.7)(9)+(103.7)(17)+(102.2)(25)+(101.6)(13)+(101.7)(6)+(102.2)(34)+(104.5)(40)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 40}$$

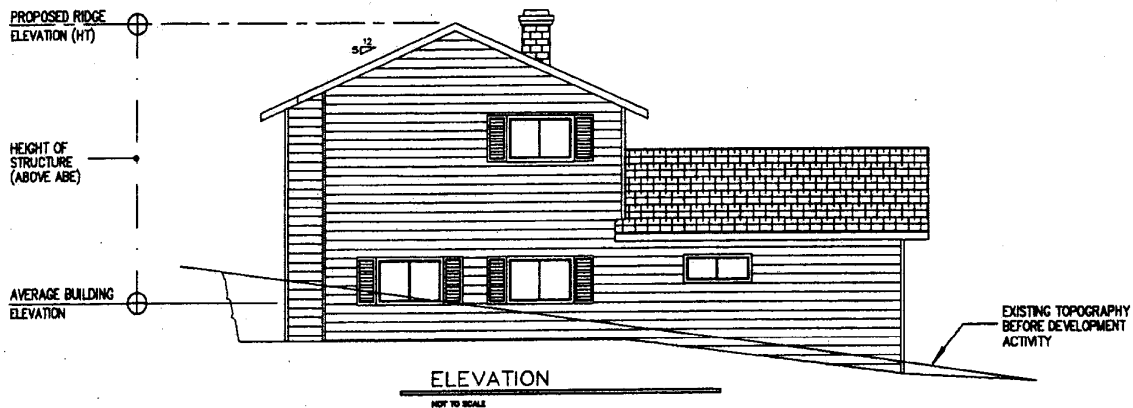
$$\frac{18023}{174} = 103.6' \text{ Average Building Elevation (ABE)}$$

*NOTE: This example is not to scale. Site plans submitted to the building department must be to scale.*

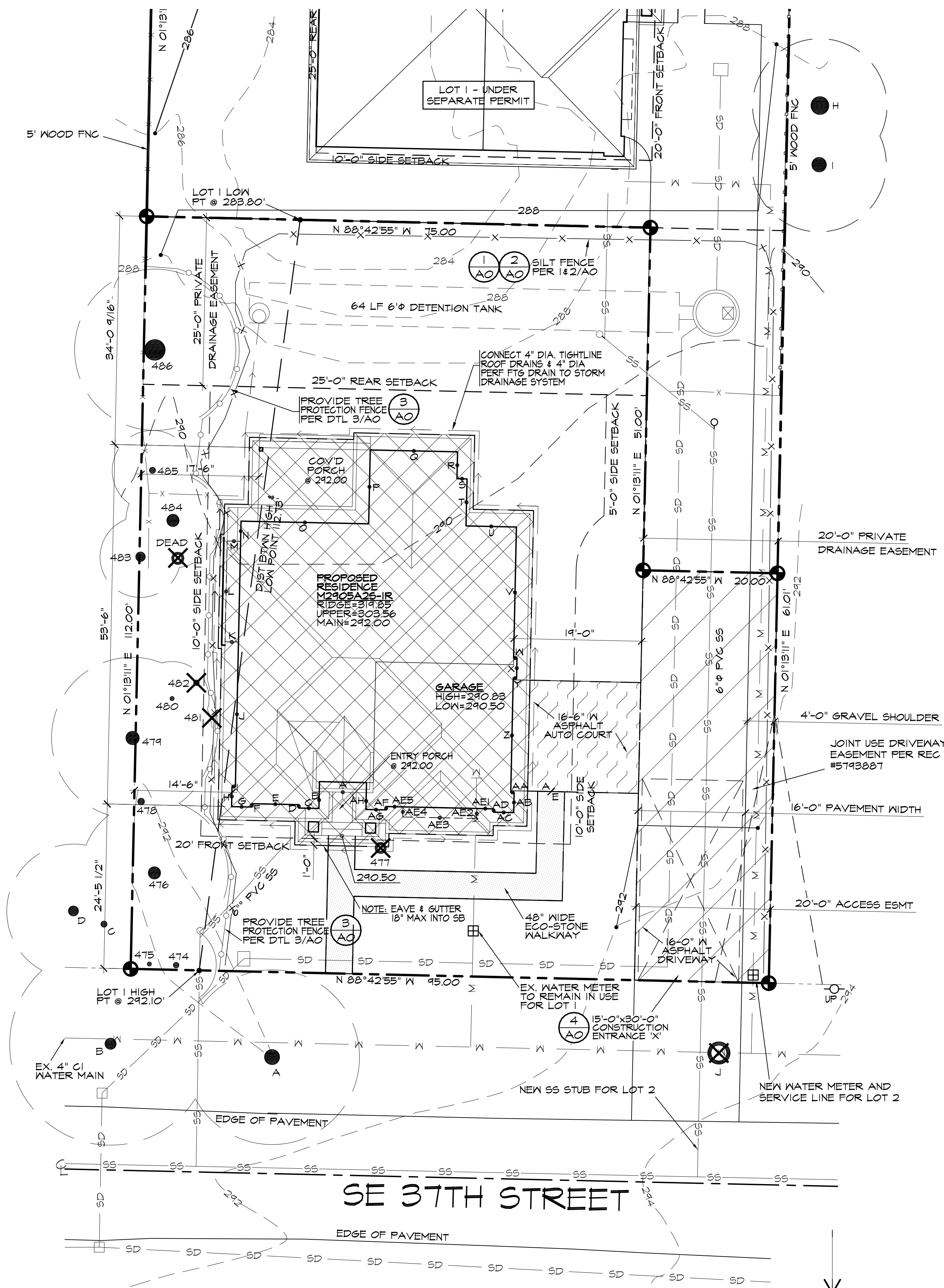
**BEFORE SUBMITTING YOUR CONSTRUCTION DRAWINGS, CHECK TO SEE THAT YOU HAVE PROVIDED THE INFORMATION BELOW.**

- The site plan and the elevation drawings must be drawn to scale, for example 1" = 20', and based on a survey.
- Clearly show existing topography on your site plan. Topography should be shown in 2' increments.
- Submit (with the site plan) your average building elevation calculations using the formula provided on page 6.
- Indicate on an elevation drawing where the average building elevation strikes the building and the proposed ridge elevation (see below for example).
- Indicate on the site plan the elevation of the finished floor or garage slab.
- Indicate the elevation and location of a fixed point (benchmark) within the ADJACENT RIGHT-OF-WAY or other point approved by the Building Official. The benchmark elevation and location must be provided and cannot be a part of the proposed structure. Note: Benchmark must be established, verified by a licensed surveyor and remain during construction so height can be verified when completed.
- Sections of the structure that are below the existing grade and do not have a wall that extends above the existing grade, are not used in the ABE calculation.
- For additions, you must provide an average building elevation calculation for the entire structure.
- If a portion of the basement floor area will be excluded from the gross floor area, provide the exclusion calculations with your site plan. The formula for basement area exclusions is shown on page 5.

## CROSS-SECTION REPRESENTATION OF ABE



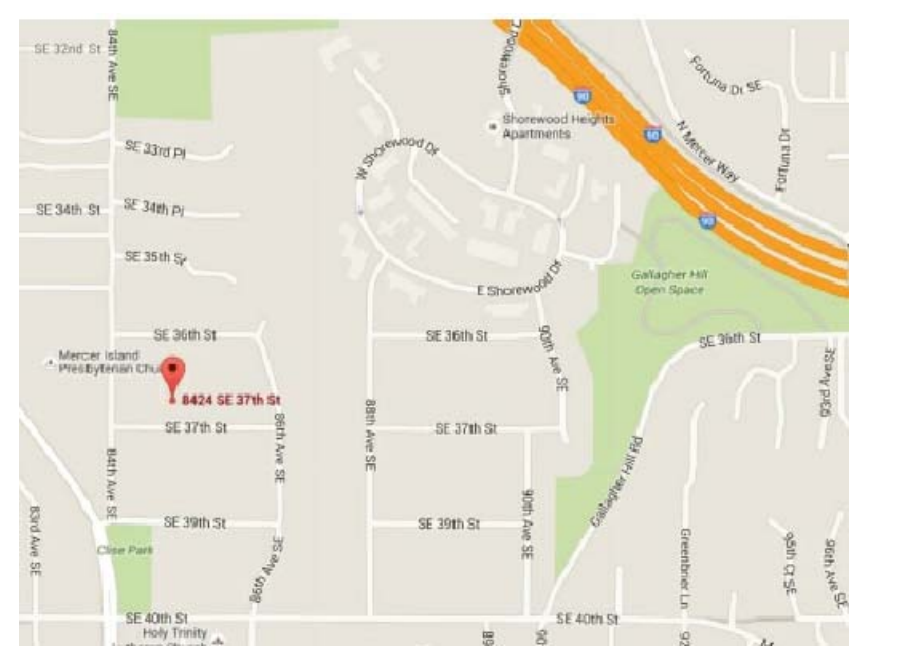
THIS PAGE INTENTIONALLY LEFT BLANK



IMPERVIOUS DEVIATION  
SITE PLAN - LOT 1

SCALE: 1" = 10'-0"

VICINITY MAP



**ARCHITECT**  
ARCHITECTS NW / JEFFREY DeROULET  
18915 - 142ND AVE NE / SUITE 100  
WOODINVILLE, WA 98072  
PHONE: 425 485 4900  
EM: JEFFREY@ARCHITECTSNW.COM

**OWNER / CONTACT**  
DEAN HOMES / DEAN JASPER  
PO BOX 3545  
BELLEVUE, WA 98004  
PH: 206-986-2289  
EM: DEAN@DEANHOMES.COM

**STRUCT ENGINEER**  
ELLIPSIS STRUCT ENG / BRYAN BALDWIN  
3847 23RD AVE SW,  
SEATTLE, WA 98106  
PH: 206.949.5161  
EM: INFO@ELLIPSISPLLC.COM

**PARCEL NUMBER**  
5021900090

**SITE ADDRESS**  
8420 SE 37TH (SP LOT 1)  
MERCER ISLAND WA 98040

**ZONING**  
R-3.4  
MIN FRONT SETBACK: 20'-0"  
MIN REAR SETBACK: 25'-0"  
MIN SIDE SETBACK:  
5'-0" MIN SUM OF 15'-0"  
MAX BLDG HEIGHT: 30'-0"  
MAX IMPERVIOUS COV'G: 40%  
MAX FLR AREA RATIO (FAR): 45%

**LOT SLOPE**  
HIGHEST ELEV POINT OF LOT: 292.10  
LOWEST ELEV POINT OF LOT: 283.80  
ELEVATION DIFFERENCE: 8.30  
HORIZONTAL DISTANCE BTWN HIGH AND LOW POINTS: 112.73  
LOT SLOPE: 7.36%

**LOT COV'G**  
(LOT COV'G IS IMPERVIOUS AREA)  
GROSS LOT AREA: 9,620 SF  
ACCESS ESMT AREA: 1,220 SF  
ROOF W/ GUTTERS: 2,596 SF  
ECO-STONE WALK & STEPS: 5'W: 0 SF  
VEHICULAR USE AREA: 272 SF  
TOTAL IMPERVIOUS AREA: 4,088 SF  
% OF LOT AREA: =42.49%  
ALLOWED IMPERVIOUS AREA: 3,848 SF  
ALLOWED % OF LOT AREA: =40.00%  
(42.94% ALLOWED W/ 2.94% PROPOSED IMPERV AREA DEV = 4,088 SF IMPERVIOUS AREA)

	= ECO-STONE WALKS & PATIOS (NOT TO COUNT AGAINST IMPERVIOUS AREA) 0 SF
	= ROOF & GUTTERS 4,741 SF
	= VEHICULAR USE 487 SF
	= EASEMENTS 5,251 SF

ARCHITECTS NORTHWEST  
18915-142ND AVENUE NE SUITE 100 WOODINVILLE, WA 98072  
FAX: (425) 487-6585  
TOLL FREE: 1-888-272-4100  
WWW.ARCHITECTSNW.COM

DEAN HOMES  
8420 SE 37TH ST, MERCER ISLAND WA 98040 (SP LOT 1)  
PLAN M2905A2S-1R

DESIGNED BY: DATE:  
DRAWN BY: DATE:  
PROJECT MANAGER: DATE:  
REVISOR: DATE:

LATERAL BY: DATE:  
LATERAL JOB NUMBER:  
103.1602.00

AO  
A9

ANW WOODINVILLE OFFICE  
JOB NUMBER:  
150301

REGISTERED ARCHITECT  
J. DeRoulet  
7/13/16

PAYMENT OF USE FEE IS DUE TO ARCHITECTS NORTHWEST, INC. PRIOR TO CONSTRUCTION FOR THESE PLANS. THESE PLANS ARE COPYRIGHTED IN ACCORDANCE WITH THE ARCHITECTS NORTHWEST ACT. NO PART OF THESE PLANS OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ARCHITECTS NORTHWEST, INC. THE PROPERTY OF ARCHITECTS NORTHWEST, INC.

## Andrew Leon

---

**From:** Christine Nakano <psalm1tree@gmail.com>  
**Sent:** Tuesday, October 17, 2017 2:54 PM  
**To:** Nicole Gaudette  
**Cc:** Doug Nakano  
**Subject:** File Nos 1709-120 & 1709-233

Dear Ms. Gaudette,

We reside at 8427 SE 36th St, the lot directly north of where new residences are being built by Dean Homes at 8420 & 8426 SE 37th St. For the record, we are not in favor of allowing the impervious surface area to deviate beyond 40%, even though we understand that the applicant meets criterion #1 of the deviation permit.

One of the things we enjoy most about our home is our spacious back yard. We spend a great deal of time there and up until recently, did so with a considerable amount of privacy. Earlier this year, two new gargantuan homes were constructed next to us. Where we once looked out toward the east and saw beautiful foliage, we now see modern bedroom windows and a rooftop patio. Where previously, we did not need to worry about people being able to see into the back of our home, we must now consider adding costly window treatments.

Our fear with the construction taking place behind us is that once again, we will lose our natural looking surroundings and desired privacy. According to the mailings we have received, a lot that had only a single residence with a nice back yard is being replaced by two new monstrosities that will be tightly packed together and tower over us.

Currently, there is a "green wall" of tall plants that does offer a nice shield between our lot and the one being developed. It is not clear to us based on the plans which have been made available whether or not the builder intends to leave or remove these plants. *It is our plea that those plants be left in tact!* We suspect that the new residents of 8426 SE 37th will be grateful for this natural barrier as well. Please let the builder know that there is more to be desired than simply greater square footage! A large, beautiful and private yard can also be a selling point.

We hope that the City of Mercer Island will stop making exceptions to our building codes and work toward preserving the aspects of our neighborhood which make it inviting and special!

Thank you,  
Christine & Doug Nakano  
206.295.7329  
8427 SE 36th St, 98040