



Frequently Asked Questions

1. Why is the City changing the regulations for residential development?

The City Council directed staff and the Planning Commission to take up this issue last summer based on feedback from residents expressing concerns over the rapidly changing character of Mercer Island's neighborhoods.

2. Will the new regulations limit large homes that are out of character for my neighborhood? What about the construction of "mega-homes" that take the place of several smaller homes?

The Planning Commission's recommendations include a proposal to reduce Gross Floor Area allowances from 45% to 40% of the lot area. In effect, limiting the maximum square footage of the home by about 11% when compared to current standards. For example, on a 10,000 square foot lot, a new home with a maximum gross floor area of 4,500 square feet could be built under the current regulations. The proposed regulations would limit the gross floor area to 4,000 square feet. In addition, the Planning Commission's recommendations include a proposal to "cap" the Gross Floor Area (GFA) of new homes in each zoning designation in an effort to ensure that homes built on large or consolidated lots are not wholly out of scale with other homes in the same zone/neighborhood.

3. Why doesn't the City simply enforce the current regulations?

There are several challenges with the current regulations:

- A) In some cases the regulation contains vague or unclear standards (e.g. a builder is required to take "reasonable best efforts" to retain trees). Where standards are unclear or vague, the outcome of the review process may appear to be unpredictable to neighbors and the applicant.
- B) The regulations currently allow for deviations or variances in specific circumstances (e.g. an "impervious surface deviation" to increase the amount of impervious surface on a property). Impervious surfaces include the driveway, building, and other "covered" portions of the lot. The criteria for approving a deviation are not only unclear, but they are also relatively easy to meet during the design of a new house (for example, by providing a retaining wall on a lightly sloped lot).

The recommended amendments to the regulations are designed, in part, to correct these code deficiencies.

4. Will impervious surface deviations be allowed in the new regulations?

No, the current draft recommendations will not allow impervious surface deviations.

5. Are there any allowances for increasing the allowed gross floor area in new construction?

The Planning Commission's recommendations include a proposal that would allow some new homes to increase gross floor area by 5% (increasing the total allowed from 40% to 45%), if the new house incorporates an Accessory Dwelling Unit, or the main floor of the new house is designed to accommodate a person with a handicap or disability, within the meaning of the Fair Housing Amendments Act (FHAA) or the Washington Law Against Discrimination (WLAD).

6. Will the new regulations allow larger Accessory Dwelling Units?

Accessory Dwelling Units (ADUs) have been allowed on Mercer Island since the 1990's and in that time 236 ADUs have been established, which represents 3% of our single-family residential housing stock. ADUs can be part of the main house, such as a basement apartment, or in a separate structure. In either case, the ADU is limited to a maximum size of 900 square feet (measured as gross floor area). A key factor in the success of our ADU regulations is owner occupancy—the property owner must live on the property, in either the main house or the ADU.

The current proposal being considered by the City Council would cap the total gross floor area of all buildings on a lot at 40% of the lot area. ADUs would be allowed up to an additional 5% of the lot area, not to exceed 900 square feet (for a total gross floor area on the lot of no more than 45%). For example, on a 10,000 square foot lot, the proposed regulations would allow 4,000 square feet for a house and other buildings. If an ADU is built on the property, an additional 500 square feet of gross floor area (5% of the lot area) would be granted. Thus, the house, garage and ADU would need to fit within the total of 4,500 square feet of gross floor area. The ADU could use up to 900 square feet of this available floor area.

7. Will the new regulations limit architectural creativity?

The Planning Commission has steered clear of recommending changes that would proscribe specific aesthetics or architectural styles, aiming to retain flexibility for designers and homeowners.

8. How will the new regulations protect trees?

The Planning Commission's recommendations include a provision requiring retention of a minimum of 30% of large trees on construction sites, and requires retention of as many trees as feasible in addition to the 30%. The regulations also prioritize the retention of large, healthy trees that are expected to have a long life following completion of construction. The intent of this change is to provide more clarity and certainty for neighbors and homebuilders around the tree regulations. The current standard requires "reasonable best efforts" to protect trees, which is not a quantitative standard and relies on essentially a negotiation between the city arborist and the project applicant. The current process is not transparent and provides little certainty of the outcomes for neighbors or the builder.

9. What is the City doing about construction noise and impacts?

The Planning Commission is recommending reducing the hours when construction is allowed in the City, as well as shortening the length of permit approval duration to 18 months and requiring construction management plans and a construction schedule for larger projects and permit renewals.

10. When will the new regulations take effect?

The Council is scheduled to review the recommended changes in June and July, with adoption likely occurring in early August. If the regulations are adopted per this schedule, they could go into effect as early as mid-August.

11. Has there been a rush to submit permits before the new regulations are in place?

The City has seen higher than normal permit volumes over the last two years related to the boom in real estate development region-wide. It is not possible to discern whether there has been an additional boost in permit submittals in recent months due to the anticipated update to the regulations.