

DSG Policy Memorandum
Administrative Interpretation
#00-06



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TO: DSG Staff
FROM: Richard Hart, Development Services Director
DATE: December 4, 2000
RE: Building occupancy prior to permit final

This administrative policy determination is made by the Code Official under Section 19.15.010 C. 5. (a.) of the Unified Land Development Code of Mercer Island. This administrative policy determination is to document the Development Services Group's code interpretation of building occupancy prior to permit final. Questions have been raised regarding when certain requests for early occupancy will be considered for a project and under what criteria these projects will be reviewed.

BUILDING OCCUPANCY PRIOR TO PERMIT FINAL

General rule - Occupancy will not be granted prior to permit final.

Exception – Temporary early occupancy may be considered in cases where there may be significant time before a final can be obtained and all fire/life safety issues are resolved. Approvals should consider the following guidelines:

- Partial temporary occupancy – Occupancy can be granted to portions of a building when all fire/life safety issues are resolved for the subject portion, and the nature of the work can be separated into portions such that the safety of the occupied portion is not adversely effected by surrounding work. Example - occupancy permitted for tenant space A while interior alterations commence on a separated tenant space B.
- Temporary occupancy – Occupancy may be granted if all fire/life safety issues are resolved with only minor site work remaining. The owner shall present bids from licensed contractors and post bonds for 150% of the remaining work to be performed.
- Remaining work must be of such a nature that it does not require a variance, deviation, or other approval from the City.
- Remaining work must be of a nature for which bonding would be appropriate (deemed low risk, easily bid and constructed, etc.).

- The applicant must demonstrate satisfactory completion of all associated legal processes (recording of easements, lot line alterations, etc.).
- Owners, developers, contractors, and tenants seeking early occupancy must have displayed good performance regarding any previous early occupancy approvals.
- The Building Official may consider the anticipated speed for which compliance of outstanding permit items might be attained if the building were allowed early occupancy.
- The applicant shall be informed that the temporary occupancy may be revoked when deemed necessary by the building official. This shall include reasons such as the applicant not meeting agreements pertaining to the maintenance of fire/life safety provisions for the occupied space, unsatisfactory progress towards the completion of outstanding permit items, later discovery of unanticipated items with detrimental effect to fire/life safety of the occupants, etc.
- All permit fees must be paid in full.

Authorization for allowing early occupancy is based on the Uniform Administrative Code as adopted by the City of Mercer Island. Section 309.4, provides "If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building may be issued prior to completion of the entire building".