

DSG Policy Memorandum
Administrative Interpretation
#04-04



DEVELOPMENT SERVICES GROUP

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TO: DSG Staff

FROM: Richard Hart, AICP, Development Services Director

DATE: August 9, 2004

RE: Interpretation of average building elevation prior to any development

The Code Official under section 19.15.010 (D) (5) (a) of the Unified Land Development Code makes this administrative policy determination and interpretation of the Code of Mercer Island.

The purpose of this administrative interpretation is to clarify how the City interprets the code definition of average building elevation prior to any development.

MICC 19.16 governs definitions, including "Average Building Elevation"

After a thorough review of the existing City Unified Land Development Code (ULDC), Title 19, including definitions and references to "average building elevation", I am formally establishing the following policy relating to interpretation of "average building elevation" and interpretation of the phrase in that definition: "prior to any development", as stated in 19.16 Definitions-Average Building Elevation. This original interpretation, established in the 1990's, has been past practice of the City Development Services Department.

According to the current Title 19.16 of the ULDC, average building elevation is measured from the average grade at the midpoint of every individual wall segment, prior to any development. Determination of what point in time represents "prior to any development" becomes difficult without prior survey documents identifying topographic elevations of the land that has not been disturbed with grading, cuts or fill to place existing structures on lots. Many of these structures have existed on lots for 30-60 years or longer. In addition it is difficult to determine what, if any, grading, cut or fill has taken place 20, 30, 50 or 80 years prior to existing conditions on a lot that contains any structural development or any grading or tree cutting that might have been performed in the early 1900's when land was originally subdivided or platted, or roads were originally constructed.

Determination of existing grade “prior to any development” becomes critical when an existing structure is demolished for replacement with a new structure, and the existing grade must be established for measuring the newly allowed height of the new structure. This becomes more critical when there appears to have been some minor grading, cut or fill, including construction of some retaining walls on site to provide level surfaces for a building pad or useable outdoor yard areas.

Thus, the City will interpret the existing code language and definitions to mean that, without concrete evidence or verification from a previous survey document, as determined by the City Building Official, the existing grade of an existing structure or its various wall segments on a site will be used as the elevation for measuring average building elevation “prior to any development”.