

DSG Policy Memorandum
Administrative Interpretation
#07-01



DEVELOPMENT SERVICES GROUP
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TO: DSG Staff
FROM: Jeff Thomas, Interim Development Services Director
DATE: February 1, 2007
RE: Including attached garages in Basement Area Exclusion

The Code Official, pursuant to Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC), is authorized to make this administrative interpretation. A final determination is needed of whether or not garages qualify as part of basements, and therefore, included in the Basement Floor Area Calculation of Appendix B of Chapter 19.11. The DSG Director is the code official for purposes of interpreting the MICC.

MICC 19.02.010.E(1) requires single family residences not exceed a "gross floor area" of 45% of the lot area. MICC 19.16.010, page 19-157, defines "gross floor area" to be:

The total square footage of the floor area bounded by the exterior faces of the building.

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

III. CONCLUSIONS

1. MICC 19.02.010.E.1 includes no exceptions from the maximum allowed gross floor area of 45% of the lot area. However, one exception is provided in the definition of “gross floor area” in MICC 19.16 for portions of basements below existing grade.

Basements have been considered separate and distinct from all garages without distinction of at what ground level they are constructed. All garages (at basement level) in basement floor area were not eligible for the Basement Floor Area Calculation.

2. The intent of the Planning Commission and City Council was to make garages attached to and part of basements eligible for the basement area exclusion of Appendix B. It was not the intent of the adopters for garages detached from basements to be considered part of basements and eligible for the exclusion of Appendix B.
3. This interpretation is to be included in the 2007 amendments to MICC Title 19.

IV. INTERPRETATION

Based upon the above facts and conclusions the following interpretation is made:

Basement areas, including attached garages, lying below existing grade are part of the “Basement Floor Area Calculation” of Appendix B, MICC 19.11. Detached garages are not part of the calculation.

This interpretation supersedes Administrative Interpretation 06-06.