

ZONING ADMINISTRATOR INTERPRETATION

DATE: April 25, 2007; revised April 3, 2008

CODE SECTION: 17.22.040 - Table 2-3 (RS and RM-12 Residential Zoning Standards) and Article 8 (Definition of Attics)

QUESTION NEEDING INTERPRETATION: How does one calculate the habitable area of an attic? When does an attic become a second floor? Can the area in question be made up of attic and second floor space? Can dormers be included as part of an attic? And if so, how large can these be?

INTERPRETATION:

Table 2-3 of the Zoning Code states that habitable attic space that has a gross floor area that does not exceed 60 percent of the surface area of the building footprint shall not be included in the calculation of maximum floor area for non-hillside single-family and two-family zoning districts. This footnote was added as part of the City's Mansionization Ordinance (Ordinance #6434 – effective July 20, 1991). The intent of the ordinance was to exempt the attic area because it was located under the roof of the house and would have less of an impact (because of its size and location) on adjacent properties than a second story. It would also discourage property owners from constructing full second stories.

After the Mansionization Ordinance was adopted, the definition of an attic in Article 8 of the Zoning Code was modified to include a provision that an attic does not include any area in which the top plate is more than three feet from the floor joists. The intent of this amendment was to ensure that the attic area is under the roof of the building and not a full second floor.

The Building Code requires habitable attic space to have a minimum vertical clearance of 5 feet and an average height of 7.5 feet and meet minimum lighting, heating, ventilation and access requirements. When converting an existing attic to habitable space, homeowners sometimes have to add dormers with windows, interior staircases and/or raise the height of the roof.

When would attic space not count as floor area? When would it count as floor area?

Using the Building Code and Zoning Code as guides, the attic space would need to comply with all of the following for it not to count towards floor area: First, all areas that have a vertical clearance of 5 feet or greater should constitute less than 60 percent of the building footprint (this would include dormer space). In addition, no individual dormer should have a width greater than seven feet (which is the Building Code's minimum dimension required for a separate habitable room) and the combined width of the dormers along an elevation should not make up more than 50 percent of the width of the roofline. In addition, the attic should not include any doorway entrance that leads to a deck, balcony or exterior staircase (if there was a doorway entrance, the top plate would exceed a height greater than three feet). Furthermore, the height of the dormers should not extend above the main roofline of the house.

When doing attic conversions on existing houses, the overall height of the roof can be raised, provided the resulting attic still complies with the guidelines identified above. These guidelines are necessary to ensure the dormers do not dominate the roofline and do not artificially create a second floor.

If the attic space does not comply with all of the requirements and guidelines outlined above, it would count towards floor area. Staff has following guidelines in a table format to determine whether the attic would not count towards floor area or would count towards floor area:


IS CONSIDERED AN ATTIC OR A SECOND FLOOR AND WOULD COUNT TOWARDS FLOOR AREA WOULD ONLY NEED TO MEET <u>ONE OF THE ITEMS LISTED BELOW TO COUNT TOWARDS FLOOR AREA</u>	IS CONSIDERED AN ATTIC AND WOULD NOT COUNT TOWARD FLOOR AREA WOULD NEED TO MEET <u>ALL OF THE ITEMS LISTED BELOW TO NOT COUNT TOWARDS FLOOR AREA</u>
Does not meet the definition of attic because the building top plate is more than three feet at any one point from the attic floor joists.	Meets the definition of attic because the building top plate is three feet or less at any one point from the attic floor joists.
The space connects to a roof deck, balcony or exterior staircase.	The attic space does not connect to a roof deck, balcony or exterior staircase. The attic space is only accessed internally to the rest of the house
The habitable and non habitable space with a vertical clearance of 5 feet or greater is greater than 60 percent of the surface of the building footprint.	The habitable space with a vertical clearance of 5 feet or greater is less than 60 percent of the surface of the building footprint. This includes dormer areas.
Any individual dormer is more than seven feet wide, or when combined, the dormers make up more than 50 percent of the width of the roofline, or any of the dormers extend above the main roofline of the house.	Individual dormers are not more than seven feet wide, when combined do not make up more than 50 percent of the width of the roofline and do not extend above the main roofline of the house.

Can someone have both a second floor on a building and an attic space together?

The question that has been asked is whether someone could have both a second floor on a building and an attic space together. In such a case, by combining the attic and some of the allowable FAR, the attic area (second floor) would be larger because a portion of it would count in the FAR calculation. To do this blurs the distinction between an attic area and a second floor. This would result in a much larger second story and increase the bulk and size of the building. This creates an exemption that would run counter to the intent of the Mansionization Ordinance.

Additionally, it would be very difficult to distinguish between the “so-called” attic area and that portion of the second floor that is counted in the FAR calculation. Most likely lines would be drawn through the middle of rooms to show that a portion of it counted in the FAR calculation and a portion did not. This makes it almost impossible to administrate this requirement and the applicant for any project with a second floor would want to declare part of the second floor as attic in order to have additional square footage.

The intent of the Mansionization Ordinance was to exempt attic areas because that portion of the building was under the roof of the house, an attic area cannot include a portion of a second floor that is counted as part of the FAR calculation.



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