TO: DSG Staff

FROM: Scott Greenberg, AICP
       Development Services Director

DATE: November 25, 2013

RE: Gross floor area exemptions, other than basements

This interpretation is a revision of Interpretation #06-06, which is hereby repealed.

MICC SECTION(S) INTERPRETED
MICC 19.16.010

AUTHORITY
This administrative interpretation is issued under the authority of Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC).

ISSUE(S)
The purpose of this administrative interpretation is to clarify the definition of gross floor area in MICC 19.16.010.

FINDINGS

1. MICC 19.02.010(E)(1) requires single family structures to not exceed a gross floor area of 45% of the lot area.

2. MICC 19.16.010 defines “gross floor area” as:
   “The total square footage of 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.

2. In the Town Center, gross floor area is the area included within the surrounding exterior finish wall surface of a building, excluding courtyards and parking surfaces.”

3. The MICC does not define the term “floor area.” Webster’s defines “floor” as “the level base of a room” and “the part of a room on which you stand” and “the surface of a structure on which one travels.”

4. Administrative Interpretation #06-06 concluded that clerestory space above areas such as kitchens, dining rooms and living rooms should not be included in the calculation of gross floor area “which otherwise would be counted twice, once for each story.” The interpretation went on to conclude that entry foyers and stairwells should be included in the calculation of gross floor area because “these areas feature vertical pedestrian movement to an above floor.”

5. Air space above an interior space (like a clerestory) is not “the level base of a room” nor is it “part of a room on which you stand” nor is it “the surface of a structure on which one travels.” Therefore, air space above an interior space cannot be considered “floor area.”

6. A stairwell or stairs create a “surface of a structure on which one travels” and should be considered a floor for gross floor area purposes. In cases where there is floor area under the stairs, it is appropriate to count the area under the stairs as gross floor area if it is “the level base of a room” or “the part of a room on which you stand” or “the surface of a structure on which one travels.” For example, stairwells or stairs have space underneath, typically floor, closets, storage or other space that should be counted as gross floor area in addition to the stairs or stairwells.

7. Administrative Interpretation #06-06 also concluded that garages are not part of basement exclusion areas, and should be included in the calculation of gross floor area. This conclusion was already overturned by Administrative Interpretation #07-01, but Administrative Interpretation #06-06 was never revised or repealed, at least in part to address Administrative Interpretation #07-01.

CONCLUSIONS AND INTERPRETATION

Based on the information above, the Code Official has determined the following:

1. “Floor” is defined as “the level base of a room” or “the part of a room on which you stand” or “the surface of a structure on which one travels.”

2. Air space above an interior space is not considered “gross floor area.”

3. Stairs and stairwells shall be included in the calculation of “gross floor area.”

4. Space under stairs and stairwells shall be included in the calculation of “gross floor area” if that space meets the definition of “floor” in number 1 above.
TO: DSG Staff  
FROM: Richard Hart, Development Services Director  
DATE: September 28, 2006  
RE: Gross floor area exemptions, other than basements

The Code Official under Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC) makes this administrative policy determination and interpretation of the MICC of Mercer Island.

The purpose of this administrative interpretation is to clarify exemptions from gross floor area calculations.

MICC 19.02.010.E.1 requires single family structures not exceed a gross floor area of 45% of the lot area. “Gross floor area” is defined in MICC 19.16 to be “The total square footage of floor area bounded by the exterior faces of the building.” Included in that section is an exemption for portions of basements below existing grade.

Past practice in DSG has been to interpret “…exterior faces of the building” to be the outermost exterior dimensions of a residence or building, relying heavily on the word “gross” in “gross floor area”. Webster defines “gross” to be “total, entire, with no deductions”. Therefore, in other words, “gross floor area” is the entire area of a building lying within the exterior perimeter of the exterior walls.

Past practice in DSG has been to deduct from “gross floor area” only the floor areas of basements which lie below existing grade per the literal application of the definition of “gross floor area” in MICC 19.16. Recently, DSG has administratively deducted, or exempted, living rooms, dining rooms, and kitchens with second floor clerestories which otherwise would be counted twice, once for each story. Not deducted, or exempted, have been clerestory entry foyers and stairwells because these areas feature vertical pedestrian movement to an above floor.

Past practice has also been to not include garages (at basement level) in basement floor area eligible for the basement area exclusion. Basements have been considered
separate and distinct from garages, supported by the wording of “gross floor area” which includes “all garages” (emphasis added) without distinction of at what ground level they are constructed.

In summary, it is concluded that:

1) “Gross floor area” is a deliberate term for building area lying within the “exterior faces”, or exterior perimeter, of the perimeter walls of the building.
2) Basement areas lying below existing grade are exempt from “gross floor area” calculations.
3) Clerestory living areas, except for entry foyers and stair wells, are also exempt from “gross floor area” calculations.
4) Garages are not part of basement exclusion areas.