

# DPD

## Director's Rule 23-2008

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| <b>Applicant:</b><br><br>City of Seattle<br>Department of Planning and<br>Development              | <b>Page</b><br><br>1 of 3  | <b>Supersedes:</b><br><br>3-2005 |
|  | <b>Publication:</b><br><br>9/15/08   | <b>Effective:</b><br><br>12/3/08 |
| <b>Subject:</b><br><br>Criteria for Allowing 6'-4" Ceiling<br>Height in Dwelling Units             | <b>Code and Section Reference:</b><br><br>Seattle Residential Code SMC 22.150<br>Seattle Building Code SMC 22.100<br>Seattle Housing and Building Maintenance Code SMC<br>Title 22 Subtitle II |                                  |
|  | <b>Type of Rule:</b><br><br>Code Interpretation  |                                  |
|  | <b>Ordinance Authority:</b><br><br>SMC 3.06.040  |                                  |
| <b>Index:</b><br><br>Building Code<br>Residential Code<br>Housing and Building Maintenance<br>Code | <b>Approved</b>  | <b>Date</b>                      |
|  | (signature on file)<br>Diane M. Sugimura, Director   | 12/1/08                          |

### BACKGROUND:

Prior to September, 2006 Seattle Municipal Code Section 23.44.041 allowed a minimum ceiling height of 6 feet 4 inches in certain accessory dwelling units. Section 23.44.041 required that the accessory dwelling unit be located in portions of buildings in which the 6 foot 4 inch ceiling existed prior to the adoption of the 1979 Seattle Building Code (SBC), and that a hard-wired smoke detector be located in the dwelling unit.

Prior to the October 17, 1979 adoption of the 1979 SBC, the minimum ceiling height required was 6 feet 4 inches. The 1979 SBC established minimum ceiling heights of 7 feet 6 inches in habitable spaces and 7 feet in other spaces. This standard did not change until amendments to the 1997 Seattle Building Code took effect on June 25, 2001 allowing 7 feet as the minimum ceiling height. Under the 2003 Seattle Building Code Section 3403, additions must meet new code standards.

In 2006, the minimum ceiling height provisions were deleted from Section 23.44.04. Based on experience applying rule for reduced ceiling height to accessory dwelling units, DPD determined that the rules should be applied to all dwelling units that meet the rule's criteria.

This rule explains the Department's application of the 6 foot 4 inch minimum ceiling height requirement for the addition of new dwelling units or the expansion of existing dwelling units in buildings which were in existence prior to the adoption of the 1979 SBC.

## **RULE**

A. Remodeling to create new dwelling units and additions or alterations to existing dwelling units in buildings constructed after October 17, 1979, must comply with the ceiling height requirements as stated in the current Seattle Building Code or Seattle Residential Code.

B. Buildings in existence prior to October 17, 1979 may be remodeled to create new dwelling units, or existing dwelling units within such buildings may be enlarged, with minimum ceiling heights of 6 feet 4 inches, provided:

1. The use (dwelling unit) could have been lawfully established either by construction or by conversion under the Land Use Code in effect at the time it can be proved that the use first existed. This means that the Land Use Code development standards in effect at the time, such as those requiring setbacks from property lines, must also be met if the use is to be established now. Further, if discretionary approval, such as a conditional use permit or variance, would have been required for establishment of the use at the time, written proof of such approval must be submitted.
2. The use shall meet minimum standards for habitable dwellings in the Seattle Housing and Building Maintenance Code in effect at the time of the application, including standards for minimum size requirements and egress windows where applicable.
3. Except as specified herein, the use shall meet minimum applicable Building Code standards as set forth in Chapter 34 of the SBC.
4. New basement and sleeping rooms shall have a window or door for emergency escape or rescue consistent with the requirements of the Seattle Residential Code or the Seattle Building Code.
5. Projections below the ceiling, including but not limited to beams, pipes, and ducts, shall not reduce the headroom to less than 6 feet 4 inches.

6. In areas with sloping ceilings, the minimum ceiling height in at least 50% of the space must be 6 feet 4 inches (not the 7 feet minimum cited in the Seattle Residential Code), and no portion shall be less than 5 feet in height.

7. For additions or alterations that change the existing building envelope:

a. When new rooms or areas are created by raising a portion of the roof, this Rule may be applied, provided that over the life of the structure, the aggregate area of such rooms or area does not exceed 50% of the area of the new rooms or area.

b. When new rooms or areas are created by excavating below grade, this Rule may be applied, provided that:

- The 6 foot 4 inch minimum ceiling height cannot be increased without modifications to the existing footings; and
- Any modifications to the existing footings are proposed for purposes other than to accommodate the 6 foot 4 inch minimum ceiling height; and
- Any modifications do not reduce the structural integrity of the foundation wall.

8. Where the existing building envelope is not changed, new rooms or areas meeting the requirements of this Rule may be created without the restrictions of 7a or 7b above.

9. The exit door from a dwelling unit shall be no less than 6 feet 2 inches in height.

10. This Rule does not apply to spaces that are not ordinarily occupied, such as storage areas and mechanical rooms, since ceiling height in these areas is not regulated by the Building Code.

11. Requirements for additions in other codes, including but not limited to the Seattle Energy Code and the Seattle Mechanical Code, shall be met.