



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Applicant Name:** Department of Planning and Development

**Address of Proposal:** City-wide Single Family Zones

**SUMMARY OF PROPOSED ACTION**

The proposal is a legislative action to amend Section 23.42.112 of the Seattle Municipal Code to create a provision allowing structures in Single Family zones that are nonconforming to front or rear yard requirements to be increased in height up to five feet, but not to exceed the height limit of the zone, in order to achieve sufficient ceiling height in an existing basement or attic to conform to the City’s regulations for habitable rooms or to accommodate a pitched roof on the structure.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

**Proposal**

The Department of Planning and Development (DPD) is recommending that amendments to SMC Chapter 23.42.112 be undertaken to add the following paragraph to the Seattle Land Use Code.

“1. Structures in Single Family zones that are nonconforming to front and or rear yard requirements may be increased in height up to five (5) feet, but not to exceed the height limit of the zone, to achieve sufficient ceiling height in an existing basement or attic to conform to the City’s regulations for habitable rooms or to accommodate a pitched roof on the structure;”

### Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments during future Council hearings.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts from this proposal was made in environmental checklists prepared by DPD. The information in this checklist, review of the proposed text changes, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

#### Short-term Impacts

As a non-project action, the proposed amendment will not have any short-term impacts on the environment.

#### Long-term Impacts

Over time the exception proposed could be invoked by many owners of existing non-conforming structures in Single Family zones to increase the height of those structures by up to five feet. The number of these instances would be difficult to estimate. Currently an increase in height for a structure nonconforming to yard setbacks and not meeting any existing exceptions could only be allowed with variance approval. The code criteria for variance approval require, among other things, deprivation of a right or privilege enjoyed by others in the same zone or in the vicinity and that the amount of variance granted be the minimum necessary to afford relief. These criteria are often very difficult to meet in situations where additional basement or attic height would result in additional habitable space. Consequently potential applicants are often discouraged from even applying for a variance.

While it is unknown how many applications are discouraged each year it is not thought to be a large number. The Department has been able to grant many variances for additional height to add a pitched roof on a structure in a single family setback which would otherwise continue to have a flat roof prone to leaking. The number of these variances applied for each year is but a handful, estimated to be fewer than ten.

Based upon the considerations mentioned immediately above, it is unlikely that passage of the proposed legislation would result in its application in a large number of instances each year.

Passage of the proposed new exception would be expected to allow a handful of properties to be physically expanded each year in an amount minimally necessary to achieve habitable ceiling height in an existing attic or basement area, or to add a pitched roof, in each case in an amount not to exceed five feet. In each of these instances an increase in the height, bulk and scale of the existing single family house will result. These houses will already be non-conforming with regard to their code required front or

rear yard setbacks. It is very difficult, if not impossible; to characterize the height, bulk and scale impacts resulting from the proposed code amendment. In some cases, the increase in height will likely fit well within the existing context. In others it may not. In all cases the limitation on the increase in height to five feet will limit the extent of additional height, bulk and scale added but no more than the minimum necessary to obtain habitable space in an existing basement or attic or to put a pitched roof on a structure.

It is the determination of the Director of the Department of Planning and Development that the proposed amendment to the Seattle Land Use Code would not result in significant adverse impacts and that no conditioning is necessary to mitigate impacts of adopting such an amendment.

### **DECISION - SEPA**

The decision was made after review by the responsible official on behalf of the lead agency or a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

Signature: (signature on file) Date: January 17, 2005  
Scott Kemp  
Senior Land Use Planner