

Planning Director Interpretation

2021-1

May 21, 2021

This administrative rule is issued to clarify how heights may be calculated under revised development regulations adopted in Ord. [3774-20](#) on November 4, 2020 (effective November 24, 2020).

Applicability

This interpretation applies to proposed principal buildings on development sites for which new streets (public or private) are proposed for the development and which are either zoned Neighborhood Business (NB), Business (B), Mixed Urban (MU), Urban Residential 4 (UR4), or residential with a historic overlay; provided this interpretation does not apply to development sites that qualify for the steeper sites height measurement exception under EMC [19.22.060\(B\)\(4\)\(b\)](#).

Interpretation

Maximum building heights on development sites meeting the above applicability are calculated from:

- The average sidewalk elevation at the front lot line of each lot created through land division.
- For buildings not on individual lots, such as developments using a binding site plan: from the average sidewalk elevation at the building's principal façade.
- For buildings on lots created through land division, with no sidewalk required or proposed at the front lot line: from the average elevation of the centerline of the public or private street proposed to abut the principal frontage of the building.
- For buildings not on individual lots, such as developments using a binding site plan, with no sidewalk required or proposed on their principal frontage: from the average elevation of the centerline of the public or private street perpendicular to the midpoint of the building's principal façade.
- For detached accessory residential buildings in commercial zones: use maximum building heights for the UR4 zone in EMC [19.22.020\(A\)\(2\)](#).

Note: while "frontage" is defined in code as the area between a building façade (entire building exterior wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation) and the *public* right-of-way or the pavement of a *public* sidewalk, a strict following of the definition would lead to a strained or absurd result if private streets and sidewalks provide the principal means of ingress and egress to a building. In such cases, the city will interpret the "principal frontage" as the area between the proposed building façade and the front lot line or sidewalk or street providing the principal means of ingress and egress and used for addressing purposes.

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Background

DEFINITIONS (REPRODUCED FROM EVERETT MUNICIPAL CODE)

“Base elevation” means the average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle which will enclose the proposed structure, excluding all eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the city prior to January 1, 1988, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, or SEPA environmental review issued after January 1, 1988. On any lot exhibiting evidence of an unapproved fill, a soils analysis may be required to determine the approved topography. An approved bench mark will establish the relative elevation of the four points used to establish the base elevation. (EMC [19.04.040](#))

“Building” means any structure built for the support, shelter or enclosure of persons, animals, vehicles, mechanical devices or property of any kind. When separated by common walls located on property lines, each portion of such structure shall be deemed a separate building. A building is constructed to include exterior walls of the structure, usually solid from the ground to the roof line except for window and door openings. (EMC [19.04.030](#))

“Façade” means the entire building exterior wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation. For buildings with more than one occupant, the facade for each occupant shall be that portion of the exterior wall face between the points where interior walls between tenants intersect with the exterior wall. (EMC [19.04.030](#))

“Floor” is the habitable level within a building that is above grade. Exposed basements less than four feet from grade or attics not exceeding four feet at the knee-wall shall not constitute a floor. (EMC [19.04.040](#))

“Frontage” means the area between (and/or on) a building facade and the public right-of-way or the pavement of a public sidewalk. (EMC [19.04.030](#)) *See note above regarding use of this term for purposes of this interpretation.*

“Front lot line” means the lot line dividing a lot from the street. (EMC [19.04.030](#))

“Street” means a public or private thoroughfare which provides the principal means of access to abutting properties. (EMC [19.04.020](#))

Authority for this Interpretation

EMC [19.02.060](#) LAND USE (PART)

When the requirements of this title, as applied to a specific property, use or building are unclear, the planning director is hereby authorized to interpret how the requirements of this title shall apply.

EMC [15.02.800](#) INTERPRETATIONS OF LAND USE REGULATIONS (PART)

The planning director is authorized to issue interpretations of the land use and development regulations as necessary and to promulgate rules and procedures as consistent with the terms of this title. Such interpretations shall constitute Review Process I decisions.

EMC [19.41.050](#) PROMULGATION OF RULES, PROCEDURES AND INTERPRETATIONS.

The planning director is authorized to promulgate administrative rules, procedures and interpretations consistent with the terms of this title. Appeals of any such rule, procedure, interpretation or other administrative determination made by the planning director shall be made in accordance with the appeal procedures as set forth in EMC Title 15, Local Project Review Procedures.

