

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Establishing an Attached Accessory Dwelling Unit

Updated July 17, 2018

This Tip explains how to establish an attached accessory dwelling unit (also called an ADU or mother-in-law unit).

Please see Tip 116B, *Establishing a Backyard Cottage*, for information about backyard cottages.

What is an Attached Accessory Dwelling Unit?

An attached accessory dwelling unit (ADU) is a room or set of rooms designed and established by permit to be a separate dwelling unit. ADUs can be located in a single-family home in a single-family zone or in a single-family home, rowhouse or townhouse in a lowrise zone.

ADUs generally include living, sleeping, kitchen, and bathroom facilities and have a lockable entrance door. For more information, see Tip 606, *Illegal Dwelling Units*; SDCI's Director's Rule 7-83, *Determining the Existence of a Dwelling Unit for Purposes of Code Enforcement*; and Director's Rule 10-95, *Attached vs. Detached as Applied to Accessory Structures and Uses*.

What requirements must be met to establish an accessory dwelling unit?

In all eligible zones, an ADU may be established only if it meets all of the following:

- The property owner must occupy either the home or the ADU as a permanent and main residence. The owner-occupant must have at least a 50 percent interest in the property, and must live in the structure for more than six months of each calendar year. The owner is allowed to receive rent for the owner-occupied unit.
- Owners must sign, notarize, and record with King County an owner-occupancy covenant. The original covenant must be returned to SDCI before we issue a building permit. The total number of residents in both dwelling units cannot exceed eight, unless all residents of both units are related to each other. A lot may have no more than one accessory dwelling unit or backyard cottage.
- In rooms that were built as sleeping rooms or that were converted or established by permit as sleeping rooms after Aug. 10, 1972, there must be at least one operable window or exterior door approved for emergency escape or rescue. You must be able to open the window or door from the inside. All emergency escape windows must have an unobstructed opening of at least 5.7 square feet (openings that are at-grade and on the floor are allowed to be 5 square feet). The window's usable opening must be at least 24 inches tall and at least 20 inches wide. The escape window must have a finished sill that is not more than 44 inches above the floor. You can measure the sill height from the top of a constructed step that extends the width of the window, as long as the riser is no more than 8 inches and the tread is no less than 9 inches.
- The ADU's entrance must be a locking door separate from the entry door to the main living unit.
- If the ADU is within an existing single-family residence (it is not in a proposed addition), then we do not require fire or sound separation between the main house and the accessory dwelling unit.
- If the ADU is within an existing duplex or townhouse the building will no longer be reviewed under the Seattle Residential Code. It will be reviewed to Seattle Existing Building Code requirements as an apartment building. Substantial alteration provisions would be triggered. Sprinklers, seismic and energy upgrades may be required. See Tip 314, *Seattle Building Code Requirements for Existing Buildings that Undergo Substantial Alterations*.



- If the ADU is part of a proposed new single family residence or addition, then your construction must meet all Seattle code requirements that apply to two-family dwellings. These requirements include fire and sound separations between the main living space, the accessory dwelling unit, and any common spaces. We still consider the building to be a single-family residence with an ADU.
- If the ADU is part of a proposed new duplex or townhouse, then your construction must meet all Seattle Building Code requirements that apply to multi-family dwellings.
- If you are converting a space or structure to a residential use, you must fully comply with the Seattle Energy Code.
- Electrical circuit breakers and temperature controls must be located in the dwelling unit that they serve, or be located in common areas accessible to all residents. You are required to have smoke detectors and carbon monoxide alarms.
- Except in designated urban villages and urban centers, you are required to have one off-street parking space for the ADU. You may not eliminate an existing required off-street parking space to accommodate an accessory dwelling unit, unless you replace it elsewhere on the lot as allowed by the code. (See exceptions.)

In single-family zones, you can establish an ADU only if these additional criteria are met:

- An attached ADU in a single-family home may be no larger than 1,000 square feet unless the area of the home where the ADU is located existed as of June 1, 1999, and if the entire accessory unit is located on the same level.
- You may only have one entrance on each front or street side of your residence, unless all entrances existed as of Jan. 1, 1993, or unless SDCI determines that topography, screening, or other design solution de-emphasizes the second entrance.

In lowrise zones, you can establish an ADU in a row-house or townhouse when:

- The ADU is no more than 650 square feet.
- The floor area of the accessory dwelling unit is no more than 40 percent of the total floor area on the lot that is used for residential purposes, excluding garages, storage sheds, and other non-habitable spaces.

- The entrance to the ADU in a townhouse or row-house is through the primary entry of the main structure or through an entry on a different façade than the primary entry. The entrance to the ADU can be on the same façade as the primary entry provided the door to the ADU less prominent.
- Exterior stairs to an ADU must be less than 4 feet tall, unless the stairs serve a unit above a garage.
- Parking is not required for an ADU in a lowrise zone.

Are there any exceptions to these requirements?

Parking—We do not require parking for ADUs if the property is within a designated urban village or urban center or any lowrise zone. We may grant a waiver of the required parking space for the ADU in a single-family zone if the site's topography or the location of the structure makes it unduly burdensome to provide a parking space. For information on how to apply for a parking waiver, see Tip 117, *Parking Waivers for Accessory Dwelling Units*.

Temporary owner absence— The owner of an ADU may submit evidence showing good cause for a waiver of the owner-occupancy requirement. Factors such as job relocation, sabbatical leave, education, or illness will be considered for a waiver of the owner-occupancy requirement for up to three years.

What are the process, cost, and submittal requirements for establishing a unit?

To begin the process to establish an ADU, you must first complete and submit a preliminary application, online at: <https://cosaccela.seattle.gov/portal/welcome.aspx>

If you need special assistance or have specific questions about your proposal, you may visit us in person for coaching in our Applicant Services Center (ASC):

Location: 20th floor of Seattle Municipal Tower
700 Fifth Ave.

Phone: (206) 684-8850

Once you submit your preliminary application, we will confirm the legal description and address of your home and assign you a project number.

Before you schedule an intake appointment you must:

- Prepare your electronic plans, including a site plan, floor plans (including the main house and the accessory unit), and energy calculations.
- Provide elevations if you are building a new structure or making changes to the building envelope.
- Prepare full plan sets, including framing plans, foundation plans, sections, etc., if you are building a new structure or an addition.
- Complete and upload the attached ADU application form.
- Complete and upload the attached owner occupancy covenant. Once SDCI has approved the covenant, get it notarized and record it with King County Recorder's Office. Your owner-occupancy covenant will become part of the title records for your property.
- Complete and upload any relevant waiver form(s).

Your plans must clearly identify where you are doing new work to create the accessory unit. For information on plan requirements, see Tip 103, *Site Plan Requirements*, Tip 106, *General Standards for Plans and Drawings*, Tip 303, *Applicant Responsibilities and Plan Requirements for Single Family and Two-Unit Dwelling Units*, and Tip 303A, *Common Seattle Residential Code Requirements*.

Once you have your application materials uploaded, a permit leader will check them to make sure they are complete. You will then be able to schedule an online intake appointment. After your intake appointment, you will need to pay a permit intake fee and a plan review fee based on the value of the work to be done.

We will review your permit application, plans, and owner-occupancy covenant to make sure they conform with City of Seattle codes. We will notify you if you need to make corrections and to inform you of our decisions on any waiver requests. Do not assume that your waiver request will be granted. If you need to make corrections, you will need to make necessary changes and resubmit them for review through the Seattle Services Portal. Once we approve your plans, we will issue your permit online.

There will be no public comment period and no appeal opportunity to the Hearing Examiner or City Council. You are responsible for complying with all applicable code and rule requirements, whether or not they are described in this Tip. As you build your accessory unit, you must schedule your required inspections online. When your project is complete, request a final inspection. Once we give you the final inspection approval, a tenant may occupy the accessory unit.

What other permits are required?

You will need a separate electrical permit from us for any electrical work. Generally, electrical circuits must be altered when you establish an ADU. Unless the property owner is performing all electrical work, the electrical contractor must apply for the electrical permit, which can be obtained in the ASC. Contact our electrical technical backup at (206) 684-5383 for information and assistance.

If you are doing any plumbing work, you will need a plumbing permit from the Seattle/King County Health Department. For information on plumbing permits, call (206) 263-9566.

If you are connecting to an existing side sewer, you might be required to get a side sewer permit. For more information about side sewers, call (206) 684-5362 or email sidesewerinfo@seattle.gov.

You will need to pay a King County capacity charge if you are making a new connection to King County's sewer system. More information is available at: <https://www.kingcounty.gov/services/environment/wastewater/capacitycharge.aspx>

What happens when a lot with an accessory dwelling unit is sold?

If the new owner intends to maintain the accessory unit, whether or not it is occupied by tenants, the new owner must abide by the owner occupancy requirements recorded on their property title.

If the new owner chooses to no longer rent or use the accessory dwelling unit, the owner will have to get a permit to remove the features that make it a separate unit.

See Tip 606, *Illegal Dwelling Units*, for more information.

What if a unit is created without a permit?

If we receive a complaint about a dwelling unit that was built without permits, we may inspect the unit and send the owner a Notice of Violation. We will require the owner to legalize the unit or remove the features that make it a separate unit. In addition, the owner may be subject to penalties as provided in Section [23.90.018](#), [23.90.019](#), and [23.90.020](#) of the Seattle Land Use Code. Tenants that are displaced when an illegal unit is removed may be entitled to relocation assistance paid by the owner. See SMC [22.206.160C.1.j](#).

What If I Violate the Owner-Occupancy Requirement?

If we determine that the owner has violated owner-occupancy requirements for ADUs, we will require the owner to: 1) reoccupy the structure, 2) remove the ADU, or 3) submit evidence showing good cause for a waiver of the owner-occupancy requirement.

How can you learn more about establishing an accessory dwelling unit?

Visit our Applicant Services Center (ASC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., and sign in to speak with a staff member.

Access to Information

Links to electronic versions of SDCI **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Tools & Resources" page of our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.



City of Seattle

Department of Construction and Inspections

Application to Establish an Accessory Dwelling Unit

I am (check one)

Applying to create a new accessory dwelling unit.

Applying to legalize an existing unauthorized unit. As reflected in King County real estate records, I purchased the lot on which the unauthorized unit is located less than one year ago, and am submitting proof of this purchase. (No penalty)

Applying to voluntarily legalize an existing unauthorized unit. I may be subject to civil penalties until the permit process is completed.

Project Number _____

Address _____

Owner _____ Daytime Phone # _____

Assessor's Parcel Number _____

Submit this form along with required plans and other documents.

Parking Waiver Request, if necessary Not located within a Residential Parking Zone (RPZ)
Located within a RPZ; parking waiver study included

Name(s) of Tenant(s) _____ Phone: _____
_____ Phone: _____
_____ Phone: _____

Owner Occupancy Covenant, completed, notarized, recorded; original to SDCI.

Date Unit was Created (to best of your knowledge): _____

Value of Construction Work Needed to Legalize Unit: _____

Copy of the Contractor's Registration/Lien Law Form (completed)

Copy of Agent's Authorization Letter from Owner (if agent)

Applicant's Name _____ Date received _____
(PLEASE PRINT)

Applicant Signature _____ Date signed _____

Relationship of applicant: (circle one) owner, agent, architect, contractor, engineer

Receipt # _____ Date of receipt _____

For SDCI Use Only (must be completed)

Urban Village / Urban Center	Application Parking	Parking Waiver Granted	# of Parking Spaces Provided	Unit Square Footage	_____ Detached (BYC)
Yes ___ No ___	Yes ___ No ___	Yes ___ No ___	_____ space	_____ space	_____ Attached (ADU)

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Return Address:

 City of Seattle - _____
 Dept. of Construction and Inspections
 700 5th Ave., Suite 2000 _____
 Seattle, WA 98104 _____

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. COVENANT FOR OWNER OCCUPANCY

Reference Number(s) of Documents assigned or released:

Project number: _____

Grantor(s) (Last name, first name, middle initial)

1. _____
2. _____
3. _____
4. _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

THE CITY OF SEATTLE

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

COVENANT FOR OWNER OCCUPANCY

This Covenant for Owner Occupancy ("Covenant") is entered into by the undersigned owner(s) of real property legally described in Exhibit A hereto, in favor of The City of Seattle as required for the issuance to the owner(s) of a permit allowing the construction and/or use of an accessory dwelling unit on the property described in Exhibit A hereto ("the property").

_____ agree(s) as follows:

1) That he/she/they are the owner(s) of the property located in Seattle, Washington at

_____ and legally described in Exhibit A, and that there are no other owners;

2) That he/she/they applied for a permit to construct and/or use an accessory dwelling unit on the property pursuant to Seattle Municipal Code (SMC) 23.44.041 and make(s) this covenant as required by SMC 23.44.041;

3) That the owner(s) of the property will restrict the use of the principal and accessory dwelling units on the property in compliance with the requirements of SMC 23.44.041;

4) That an owner with at least a 50 percent interest in the property will occupy either the principal dwelling unit or the accessory dwelling unit for six or more months of each calendar year as the owner's principal residence, unless a waiver has been applied for and granted by the City of Seattle Department of Construction and Inspections (SDCI);

5) That if the owner(s) of the property are unable or unwilling to fulfill the requirements of SMC 23.44.041 for owner occupancy, then the owner(s) will remove those features of the accessory dwelling unit that make it a dwelling unit, as determined by SDCI, including but not limited to removing electrical and plumbing fixtures and connections;

6) That this covenant shall run with the land and be binding upon the property owner(s), his/her/their heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in the property;

7) That the undersigned owners and their heirs, successors and assigns will inform all prospective purchasers of the property of the terms of this Covenant; and

8) That this Covenant will be recorded by the owner(s) in the real estate records of the Office of Records and Elections of King County as a deed restriction, prior to issuance of the permit allowing construction and/or use of an accessory dwelling unit on the property.

Owner

Owner

Owner

Owner

STATE OF WASHINGTON)
)
COUNTY OF KING)

On this _____ day of _____, 20__ , before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

_____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument and acknowledged it to be a free and voluntary act and deed for the uses and purposes mentioned in the instrument. **IN WITNESS WHEREOF** I have hereunder set my hand and official seal the day and year first above written.

(signature)

(print or type name)

NOTARY PUBLIC in and for the state of Washington,

Residing at _____,

My commission expires _____,

EXHIBIT A TO OWNER OCCUPANCY COVENANT

COMPLETE LEGAL DESCRIPTION OF PROPERTY SUBJECT TO COVENANT:

LEGAL DESCRIPTION: