

Seattle Permits

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

Establishing a Backyard Cottage (Detached Accessory Dwelling Unit)

Updated April 22, 2008

This Client Assistance Memo (CAM) explains the requirements and process for establishing a backyard cottage, (also known as a detached accessory dwelling unit, DADU or mother-in-law unit) on an owner-occupied Single Family zoned lot in southeast Seattle.

Legislation allowing backyard cottages is in effect as of Sept. 14, 2006. Backyard cottages are authorized only in Southeast Seattle, defined as the area south of Interstate 90 and east of Interstate 5. Backyard cottages are not permitted in lots located in the shoreline districts.

Legislation allowing attached accessory dwelling units (ADUs) in single family homes citywide became effective Dec. 1, 1994. Please see CAM 116A, *Establishing an Attached Accessory Dwelling Unit*, for rules and information about ADUs.

What is a Backyard Cottage?

A backyard cottage is a room or set of rooms located in a separate structure that shares a lot with a single family home, and which has been designed or configured to be used as a separate dwelling unit.

Backyard cottages generally include living, sleeping, kitchen and bathroom facilities and have a lockable entrance door. For more information, see CAM 606, "Illegal Dwelling Units"; DPD 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 a backyard cottage?

A backyard cottage may only be established if the following requirements are met:

- The minimum lot size required for a backyard cottage is 4,000 square feet.
- A backyard cottage is limited to a gross floor area of 800 square feet, including garage and storage areas, or 20 percent of the lot area, whichever is less.
- Entrances to backyard cottages may not face the nearest side lot line or the rear lot line, unless there is an alley abutting on that side of the lot.
- Existing structures, such as a garage, may be converted into a backyard cottage, as long as any existing nonconformities to the Land Use Code are not increased.
- Either the home or the backyard cottage must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner may live in either the main or accessory unit and must have a 50 percent or greater interest in the property (SMC 23.84.028). The owner-occupant 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.
- Unless all residents of both units are related to each other, the total number of residents in both units may not exceed eight.
- A single family lot may have no more than one accessory dwelling unit (either ADU or backyard cottage).
- One off-street parking space is required for the backyard cottage. An existing required off-street parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot in conformance with regulations. (See exception on next page.)
- In sleeping rooms located in buildings constructed after Aug. 10, 1972, or in rooms converted or established for sleeping purposes after August 10, 1972, there shall be at least one operable window or exterior door approved for emergency escape

www.seattle.gov/dpd



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Department of Planning & Development

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or rescue. The window or door must be operable from the inside. All emergency escape windows shall have a minimum net clear opening of 5.7 square feet (grade floor openings allowed to be 5 square feet), a minimum net clear openable height dimension of 24 inches, and a minimum net clear openable width dimension of 20 inches. The window must have a finished sill height not more than 44 inches above the floor. The sill height may be measured from the top of a constructed step with a riser of not more than 7 inches.

- The backyard cottage must meet current standards of the Seattle residential, building, mechanical, electrical and energy codes.
- Electrical circuit breakers and fuses shall be located in the dwelling unit that they serve or in common areas accessible to all occupants.

Are there any exceptions to these requirements?

Parking—A waiver of the requirement for the parking space for the backyard cottage may be granted if topography of the site or structure location makes it unduly burdensome to provide it. For information on applying for a parking waiver, see CAM 117, *Parking Waivers for Accessory Dwelling Units*.

Temporary owner absence—If DPD determines that the owner has violated owner-occupancy requirements, the owner shall: 1) reoccupy the structure, 2) remove the backyard cottage, or 3) submit evidence showing good cause, such as job relocation, sabbatical leave, education or illness for a waiver of this owner-occupancy requirement to allow up to three years' absence from the Puget Sound region.

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

To begin the process of establishing a backyard cottage, you must first complete and submit a **Preliminary Application**, in person or by mail, to the DPD Applicant Services Center (ASC):

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

Mailing Address: 700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Phone: (206) 684-8850

Hours: Mon/Wed/Fri: 7:30 a.m.-5:30 p.m.
Tues/Thurs: 10:30 a.m.-5:30 p.m.

The Address/Records Worksheet is available from the Applicant Services Center or online at www.seattle.gov/dpd/publications/forms.

DPD will then confirm the legal description and address of your home and assign you a **Project Number**.

Before your intake appointment you will need to prepare **two sets of plans**, including a DPD coversheet, site plan, and floor plans (of the entire building, not just the accessory unit), energy calculations, and, for a new structure (a new residence including an accessory unit) or if there are changes to the building envelope, elevations. New structures or additions will also require full plan sets, including framing plans, foundation plans, sections, etc.

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

You must also complete the attached **Application Form**, fill out a **Certificate of Owner Occupancy** (also attached) and have it notarized, and complete any relevant **waiver** form(s). Bring your application material to the ASC for screening by a permit leader. If your material is complete, you will be scheduled for an intake appointment.

At the intake appointment, you will also have to pay a permit intake fee and a plan review fee based on the value of the work to be done.

Your Certificate of Owner Occupancy will be recorded with the King County Department of Records and Elections where it will become part of the title records for your property.

Your permit application and plans will be reviewed for conformance with City of Seattle codes, and you will be notified of plan corrections you need to make and of decisions on any waiver requests. You will need to pick up your plans from the ASC and make necessary changes and resubmit them for review.

Once your plans are approved, your permit will be issued at the DPD Permit Issuance Desk in the ASC. There will be no public comment period and no appeal opportunity to the Hearing Examiner or City Council.

As the work indicated on your plan proceeds, you must call the DPD Regulating Construction Program at (206) 684-8950 for required inspections. When work is complete, call the inspector and request a final inspection. When the final inspection approval is granted, a tenant may occupy the accessory unit.

What other permits are required?

You will need a separate electrical permit from DPD if any electrical work is needed. Generally, when ADU's are established electrical circuits must be altered. If you plan to do the work yourself you may apply directly at the ASC; otherwise your electrical contractor must apply. Contact the department's electrical technical backup at (206) 684-5383 for information and assistance.

If plumbing work is necessary, you will need a plumbing permit from the Seattle/King County Health Department, which is currently located at the ASC. For information on plumbing permits, call (206) 684-5198.

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

The new purchaser of a home with a legally established accessory dwelling unit must file a new notarized Certificate of Owner Occupancy with DPD within one year of transfer of ownership, if the new owner intends to continue maintaining an accessory unit, whether or not it is occupied by tenants. You must pay a fee to DPD for the purpose of recording this document with King County. If the new owner chooses to discontinue use of the accessory dwelling unit, s/he will have to remove features which make it a separate unit. See CAM 606, *Illegal Dwelling Units*, for more information.

What if a unit is created without a permit?

If DPD receives a complaint about an illegal accessory dwelling unit, the department may inspect and cite the owner with a Notice of Violation. The owner will be required to legalize the illegal unit. In addition, the owner may be subject to penalties as provided in Section 23.90.018, 23.90.019, and 23.90.020.

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

Visit the DPD 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. You may also speak with staff by phone by calling (206) 684-8850.

ASC Hours: Monday, Wednesday, Friday
7:30 a.m.-5:30 p.m.

Tuesday, Thursday
10:30 a.m.-5:30 p.m.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, 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.

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Application to Establish an Accessory Dwelling Unit (ADU or DADU)

CHECK ONE OF THE BOXES BELOW:

- 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. There will be a penalty of \$100 unless final inspection approval is obtained within one year of permit issuance.
- Applying to legalize an existing unauthorized unit based on a complaint, and have already been issued a Notice of Violation. (Penalty of \$5,000 for falsely certifying owner occupancy.)

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 Certificate, completed and notarized

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 DPD Use Only (must be completed)

Application for Parking Waiver? Yes _____ No _____	Parking Waiver Granted? Yes _____ No _____	# of Parking Spaces Provided _____ space	Unit Square Footage _____ sq. ft.	_____ Detached (DADU) _____ Attached (ADU)
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City of Seattle

Department of Planning and Development

Accessory Dwelling Unit Certification of Owner Occupancy

State of Washington)
County of King S/S)

I, _____, being first duly sworn, on oath do hereby certify under penalty of perjury under the laws of the State of Washington:

That I am an owner of the single family dwelling unit located at _____ and have a fifty percent (50%) or greater interest in this property (SMC 23.84.028); and

That I have applied or am making application to establish an authorized accessory dwelling unit at this location; and **(check one)**

- That I presently occupy and will continue to occupy one of the two dwelling units at this location as my principal and permanent residence (see Land Use Code Section 23.44.041A2).
- That I am building a new single family residence with an accessory dwelling unit with the intent to sell the residence.

When the property is sold, I will notify the new property owner(s) of the requirements of SMC 23.44.041, including the requirement to file a new Certification of Owner Occupancy with the Department of Planning and Development (DPD) for recording if they intend to maintain and rent the accessory dwelling unit. Failure to submit this certification within one year of transfer of ownership shall be a violation of the Land Use Code if the new owners continue renting the accessory dwelling unit.

This certification will remain in effect during the period of my ownership of the property unless I record a certification with the King County Office of Records and Elections that the use of the property for an accessory dwelling unit has been discontinued.

Signature of Affiant

(SEAL OR STAMP)

Name of Affiant

Signed and sworn to (or affirmed) before me on this ____ day of _____(month), _____(year) by

Signature of Notary Public

Title

My appointment expires: _____

Falsely certifying owner occupancy or failing to comply with the terms of owner occupancy certification is subject to a civil penalty of \$5,000, in addition to any additional penalties.

A recording fee must be paid to the Department of Planning and Development for the purpose of recording this document with King County.