

WRITTEN FINDINGS AND DECISION

SUKHWINDER ACCESSORY DWELLING UNIT (File No. ADU-010077-2023) JULY 18, 2023

I. Application Name and Number

File Name: Sukhwinder Accessory Dwelling Unit (ADU)

Proposal: To incorporate a 617 sq ft ADU within a proposed single-family residential dwelling. The property is zoned RS-8.

File Number(s): ADU-010077-2023

Applicant: Kate Kennedy-Hubler, Medici Architects
11711 SE 8th Street, Unit 100
Bellevue, WA 98055
kate@mediciarchitects.com

Staff Reviewer: Catherine Kato, Senior Planner
ckato@lynnwoodwa.gov; (425) 670-5045

II. Findings

1. The subject property is located at 3515 169th Street SW (Parcel 00372700100704) and is zoned RS-8 (Residential Single Family 8400).
2. The property is currently vacant.
3. A valid application was filed on June 9, 2023 and deemed complete on June 20, 2023.
4. The proposal is for a 617 square foot attached ADU on the northwestern side of a proposed 3,750 square foot single-story single-family dwelling.
5. Attached ADUs are permitted in the RS-8 zone pursuant to LMC Table 21.42.01 and LMC 21.42.110(G)(1)(4) subject to all applicable City codes, including the requirements of the City's adopted International Building Code (IBC):

- a. *LMC 21.42.110(G)(2): Permitted Zones. “Permitted Zones. Attached ADUs shall be permitted in the R-7 and R-8 zones. Detached ADUs shall only be permitted in the RS-8 zone.”*

The proposed ADU is in the RS-8 zone. Attached ADUs are permitted in the RS-8 zone district.

- b. *LMC 21.42.110(G)(3): Number. “A maximum of one ADU shall be permitted on a lot. A lot cannot have both an attached and a detached ADU.”*

The application is for one attached ADU. There are no ADUs currently on site.

- c. *LMC 21.42.110(G)(4): Location. “Attached ADUs may be added to or within the principal residence in compliance with the RS-7 or RS-8 development standards. Detached ADUs are required to meet all development standards for the RS-8 zone and shall be located only in the rear yard. The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion.”*

The proposed attached ADU is in the RS-8 zone district and will be located within a primary single-family residence.

- d. *LMC 21.42.110(G)(5): Development Standards. “Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including but not limited to required setbacks and the requirements of the adopted building, electrical, fire, mechanical and plumbing codes. Only one electric meter, one water meter, and one address shall be allowed for the entire parcel, serving both the primary unit and the detached ADU.”*

The proposed ADU will be located within a primary single-family residence. All new construction will be required to meet current building, electrical, fire, mechanical and plumbing codes which will be reviewed under separate permit. As conditioned, the proposal will comply with this requirement.

- e. *LMC 21.42.110(G)(6): Size. “The ADU shall have a maximum gross floor area of 800 square feet or 40 percent of the habitable square footage of the primary unit, whichever is less. A maximum of one bedroom shall be provided for ADUs less than 600 square feet in size; a maximum of two bedrooms shall be provided for ADUs 600 square feet or greater in size. When calculating the square footage of the ADU,*

covered exterior elements such as decks and porches will not be included. The total size of all such covered exterior elements shall not exceed 200 square feet and the design shall be consistent with the primary dwelling unit.”

The proposed 617 square foot attached unit will be less than 800 square feet of gross floor area which is also less than 40 percent (1,500 square feet) of the 3,750 square foot of habitable space in the primary residence. The proposed ADU is greater than 600 square feet; however, will include a single bedroom, which is permissible. **At no time shall any square footage of the ADU be converted to a bedroom without first obtaining necessary approval(s) and demonstrating compliance with applicable development standards (Condition of Approval no. 6).** As conditioned, the proposal complies with these requirements.

- f. *LMC 21.42.110(G)(7): Design. “The ADU/DADU shall be designed so that the appearance of the building containing the principal residence remains that of a single-family residence. At a minimum, the plans for the unit shall conform to the following guideline: any new exterior construction associated with creating an attached or detached ADU shall match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.”*

The ADU is within the principal residence and will be built at the same time as the main dwelling unit. **Paint color and exterior materials of the ADU shall visually match the paint color and materials on the existing principal residence per LMC 21.42.110(G)(7) (Condition of Approval no. 2).** As conditioned, the proposal complies with these requirements.

- g. *LMC 21.42.110(G)(8): Screening. “The entrance(s) to an attached ADU shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence. For an attached ADU, only one primary entrance shall be permitted; a second street-facing entrance may be permitted if it is sufficiently screened from view using either fencing, landscaping, or a combination thereof.”*

The proposed ADU includes a single primary entrance to the unit. This entrance is proposed to be located on the west elevation. This façade is perpendicular to the south (front) elevation and therefore shall appear incidental to the principal residence’s primary entrance as well as not be

directly visible from street view. The proposal complies with this requirement.

- h. *LMC 21.42.110(G)(9): Parking. “One off-street parking space shall be provided for studio and one-bedroom ADUs and two spaces shall be provided for two-bedroom ADUs, in addition to the parking required for the main residence. Parking shall be paved in conformance with standard city requirements. Parking may be located in a garage, carport, or in an off-street area reserved for vehicle parking. Parking may be located in tandem with parking spaces for the primary unit. Only one driveway may be used to meet the parking requirement. Parking may not encroach into any portion of a public or private street right-of-way (including any landscaped portion).”*

One additional parking stall is required for the proposed one-bedroom ADU. In addition, the primary residence will require two parking spaces be provided outside of the 25-foot front yard setback. As such, the project will provide a total of three parking spaces outside of the 25-foot front yard setback that are 17.5 feet by 9 feet in dimension. The submitted plan set shows 3 garage spaces sharing a single driveway access.

- i. *LMC 21.42.110(G)(10): Accessibility. “In order to allow for barrier-free accessible design, the development and business services director may allow for reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city’s building and fire codes, more particularly with the requirements for a Type A unit as referenced by the adopted standards of Chapter 16.04 LMC.”*

No deviations have been requested to meet this requirement.

- j. *LMC 21.42.110(G)(11): Owner Occupancy. “The property owner (title holder or contract purchaser) must occupy either the primary dwelling unit or the accessory dwelling unit as their permanent residence. Owners shall sign and record with Snohomish County an affidavit in a form acceptable to the city attesting to their occupancy.”*

Snohomish County Assessor’s Office identifies Gill S Sukhwinder and Shareenjeet K Sukhwinder as the subject property owners. **As a condition of approval, the property owners will be required to record the affidavit of occupancy with these findings (Condition of Approval no. 1).** As conditioned, the proposal will comply with this requirement.

- k. *LMC 21.42.110(G)(13): Subdivision Prohibited. “No ADU may be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code.”*

The applicant is hereby notified of this code requirement and by recording the ADU with the County, acknowledges this legal requirement.

- l. *LMC 21.42.110(G)(15): Home Occupations. “Home occupations may be allowed in either the primary unit or the ADU, but not both, provided the home occupation is reviewed and approved in accordance with LMC 21.42.300 and any other applicable provisions of this code.”*

City staff is not aware of any existing home occupations at the address. By recording the ADU with Snohomish County, the applicant acknowledges legal requirements.

III. Exhibits

01. ADU application received June 9, 2023
02. Affidavit of ownership received June 20, 2023
03. Project Narrative received June 9, 2023
04. Revised Site Plans and Elevations received June 20, 2023

IV. Decision

The owner/applicant has shown that the proposed attached ADU meets the requirements of LMC 21.42.110(G). Staff recommends approval, subject to all applicable provisions, requirements, and standards of the Lynnwood Municipal Code, and the conditions listed below.

A. Requirements and Conditions

Code Requirements

1. The property owner(s) (title holder or contract purchaser) must occupy either the primary dwelling unit or the accessory dwelling unit as their permanent residence. Owner(s) shall sign and record with Snohomish County an Affidavit of Occupancy in a form acceptable to the City of Lynnwood indicating the presence of an Accessory Dwelling Unit, attesting to their occupancy, and other standards or requirements for maintaining the unit as a separate dwelling unit. This permit is not effective until evidence of recording the Affidavit of Occupancy is provided to the Development & Business Services Department. Recording shall occur within 10 calendar days of notice of approval (July 18, 2023) or may be deferred to prior to building permit issuance.

2. The paint color and exterior materials of the ADU shall visually match the paint color and materials on the existing principal residence per LMC 21.42.110(G)(7). The submitted plans illustrate compatible exterior design.
3. This approval shall be recorded by the property owner with the Snohomish County auditor's office to indicate the presence of the ADU. At minimum, the recorded information shall:
 - a. Be recorded as a deed restriction which runs with the land;
 - b. Identify the address of the property;
 - c. State that the owner(s) reside(s) in either the primary unit or the ADU for entire calendar year;
 - d. Include a written description and/or a floor and site plan of the approved unit;
 - e. Include a copy or statement of the requirements and conditions of approval, as determined by the director;
 - f. Include a statement that the owner(s) will notify any prospective purchasers of the limitations of this section; and
 - g. Provide for the revocation of the issued permit for the ADU if any of the requirements of this subsection (LMC 21.42) are violated.

In addition, the following shall be written on the face of the site plan to be recorded:

"The Accessory Dwelling Unit shown on this plan shall not be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code."

4. Any alteration to the ADU shall meet all the development standards for the applicable zone and shall comply with all applicable city codes in place at the time of such alteration, including but not limited to required setbacks and the requirements of the adopted building, electrical, fire, mechanical and plumbing codes in effect at the time of such alteration. Only one electric meter, one water meter, and one address shall be allowed for the entire parcel, serving both the primary unit and the detached ADU.
5. At no time shall any square footage of the ADU, including the area of the proposed loft, be converted to a bedroom without first obtaining necessary approval(s) and demonstrating compliance with applicable development standards.
6. Cancellation of an ADU may be accomplished by the property owner by filing a certificate with the City stating that the ADU no longer exists on the property and recording the approved certificate with the County. Cancellation may also result from an enforcement action by the City.

7. Upon receipt of a complaint of noncompliance, the City may require proof by the owner(s) that all requirements of this section are met.
8. In addition to the conditions imposed during the permit approval process, permits for ADUs shall expire automatically whenever:
 - a. The ADU is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the City; or
 - b. The subject parcel ceases to maintain the required number of parking spaces; or
 - c. The property owner(s) cease(s) to reside in either the primary unit or the ADU for the entire calendar year, the owner-occupied unit is rented, or the current owner fails to record the required affidavit attesting to their occupancy.
9. Any permit for a new attached ADU shall expire two years from the date of approval (**July 18, 2023**) unless a building permit for the attached ADU has been obtained. The Director may grant a single one-year extension to this time limit, provided a written request for the extension is received two weeks prior to expiration.
10. If the City of Lynnwood revises regulations which supersede any of the above conditions, the Owner may request relief from the Development & Business Services Director to comply with the new regulation.

B. Director's Decision

Based on the above Findings, the Development and Business Services Director grants approval of the Sukhwinder accessory dwelling unit, ADU-010077-2023, subject to the above code requirements and conditions.

Karl Almgren

Karl Almgren, AICP, Community Planning Manager

Date: Jul 18, 2023

Robert Mathias

Robert Mathias (Jul 18, 2023 09:50 PDT)

Robert Mathias, Deputy Development and Business Services Director for
David Kleitsch, Development and Business Services Director

Date: Jul 18, 2023

V. Notice of Decision and Right to Appeal

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development and Business Services Department within 14 calendar days. The appeal deadline shall be 14 days after the Date of Notice. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.










Director's Decision Sukhwinder ADU-010077-2023

Final Audit Report

2023-07-18

Created:	2023-07-18
By:	Catherine Kato (ckato@lynnwoodwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAcGGR5J4Ok73Jm50s1WnqSOHLOs0Z6MHk

"Director's Decision Sukhwinder ADU-010077-2023" History

-  Document created by Catherine Kato (ckato@lynnwoodwa.gov)
2023-07-18 - 3:47:16 PM GMT
-  Document emailed to Karl Almgren (kalmgren@lynnwoodwa.gov) for signature
2023-07-18 - 3:48:50 PM GMT
-  Email viewed by Karl Almgren (kalmgren@lynnwoodwa.gov)
2023-07-18 - 4:19:36 PM GMT
-  Document e-signed by Karl Almgren (kalmgren@lynnwoodwa.gov)
Signature Date: 2023-07-18 - 4:21:59 PM GMT - Time Source: server
-  Document emailed to rmathias@lynnwoodwa.gov for signature
2023-07-18 - 4:22:00 PM GMT
-  Email viewed by rmathias@lynnwoodwa.gov
2023-07-18 - 4:43:04 PM GMT
-  Signer rmathias@lynnwoodwa.gov entered name at signing as Robert Mathias
2023-07-18 - 4:50:49 PM GMT
-  Document e-signed by Robert Mathias (rmathias@lynnwoodwa.gov)
Signature Date: 2023-07-18 - 4:50:51 PM GMT - Time Source: server
-  Agreement completed.
2023-07-18 - 4:50:51 PM GMT