

**PLANNING & PUBLIC WORKS DEPARTMENT****CITY ENGINEER INTERPREATION**

**SUBJECT:** Accessory Dwelling Unit (ADU) Street Frontage Improvements

**RELEVANT MUNICIPAL CODE SECTIONS:**

- RCW 36.70A.680 and 36.70A.681
- Lakewood Comprehensive Plan
- LMC 12.01.050, 12.02.010, 12.04.020, 12.05.060, and 12.09.031
- Lakewood Engineering Design Manual, January 2021
- International Transportation Engineers Trip Generation Manual, 11<sup>th</sup> Edition
- LMC 18A.10.070 and LMC 18A.40.110

**CAUSE FOR INTERPRETATION:** In 2023, the state legislature passed HB 1337 which requires the city make certain allowances as it pertains to ADUs. This state law goes into effect June 30, 2025. In 2024, as part of the mandated 10-Year Comprehensive Plan Periodic Review, the city adopted amendments to ADU zoning standards in Title 18A. These standards went into effect January 1, 2025. Related amendments to engineering standards were not addressed as part of the periodic update which necessitates this interpretation need as part of overall implementation<sup>i</sup>.

**AUTHORITY:** Pursuant to Lakewood Municipal Code (LMC) 12.02.010 and 18A.10.070 the City Engineer and Department Director are authorized to resolve conflicts in zoning and engineering development requirements.

**INTERPRETATION**State Law

- Revised Code of Washington (RCW) 36.70A.680(1)(b) states if a city has not amended its regulations, then state law ADU requirements supersede, preempt, and invalidate any conflicting local development regulations.
- RCW 36.70A.681(1)(l) allows a city local discretion to require or not require public street improvements as a condition of permitting accessory dwelling units.

Lakewood Municipal Code

- LMC 12.01.050, in the case of Title 12 or other LMC provision is in conflict, the provision of Title 12 shall control to the fullest extent reasonable.
- Appendix 2, Table 2 in the Engineering Standards Manual identifies minimum public street standards based on roadway classification.
- LMC 12.09.031(3)(a) requires if a proposed development will generate an increase in traffic 13 or more vehicular trips per day, frontage improvements are required. Vehicular trips shall be as determined by the latest edition of the Institute of Transportation Engineers (ITE) manual.
- The ITE manual identifies Average Daily Trips (ADT) for several single-family housing types and affordable housing.
- The ITE manual does not have a land use code or ADT estimate for detached and attached ADUs.

<b>ITE Land Use Code</b>	<b>Housing Type</b>	<b>ADTs</b>
<b>210</b>	single-family detached dwelling	9.43
<b>215</b>	attached single-family dwelling	7.20
<b>223</b>	affordable housing unit	4.85

- The average of the three types of housing is 7 ADTs.
- As part of the region's 20-year transportation modeling, a sample of jurisdictions in the Puget Sound<sup>ii</sup> assume roughly an average of 4-6 ADTs for ADUs. This is intended to recognize:
  - ADUs are smaller in size that house fewer people.
  - ADUs are intended to be affordable housing for all income types.
- Ordinance No. 814 amended LMC 18A.40.110(B)(1) to address HB 1337 ADU zoning requirements. However, these provisions are silent as it relates to roadway improvements.

- LMC 18A.40.100(B)(1)(e) requires ADUs be at least 1,000-1,200sq ft in size.<sup>iii</sup>
- Over a 20-year period, the Lakewood Comprehensive Plan encourages attached and detached ADUs to accommodate housing unit needs for 80-120% Area Median Income (AMI).<sup>iv</sup> This is commonly referred to as middle housing.

## **DECISION**

In accordance with LMC 18A.20.080, Director's Interpretations are a Type 1 decision.

The formal code interpretation is as follows:

- ADUs are intended to be an affordable middle housing type and assist with multi-generational housing needs.
- The city is not required by state law to waive public street improvements for ADUs. "May" and "shall" have distinct meanings in statutes, contracts and regulations. "May" indicates an action that is optional or permissible. "Shall" or "must" is used to indicate it is required or obligatory.
- Street frontage improvements are intended to protect the public's safety for all ages, abilities and transportation modal type.
- Additional housing units create demand on the existing street network and level of service.
- The Engineering Design Manual identifies design standards for street improvements based on roadway classification.
- LMC Chapter 12.09 identifies road improvement thresholds for both public and private roadways.
- For transportation demand modeling, the City of Lakewood shall assume 6 ADTs for every 1 attached or detached ADU.
- Consistent with LMC 12.09.031(3)(a) if a project generates 13 or more ADTs, frontage improvements shall be required for the safety of multimodal users.

## **EXEMPTIONS**

N/A

**DATED:** 04/22/2025

**PREPARED BY:**

*Angie Silva*

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Angie Silva, Assistant Director

**APPROVED BY:**



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Jeff Rimack, Director



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Weston Ott, City Engineer

**NOTICE & APPEAL**

Administrative decisions are subject to appeal to the Lakewood Hearings Examiner per LMC 18A.20.400 Article IV. Appeals must be filed within 14 days after the notice of decision associated with a project permit application and/or posting.

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<sup>i</sup> This interpretation need was not triggered by a director's interpretation application, nor a project application has been submitted requesting this interpretation.

<sup>ii</sup> Cities of Tacoma, Bothel, and Seattle.

<sup>iii</sup> Lakewood Planning Commission has provided a recommendation and City Council are currently reviewing code amendments to reduce the minimum size of ADUs (2025-11) as part of the 2025 Comprehensive Plan Amendment cycle.

<sup>iv</sup> LU-3.2; HO-4.4; HO-5.10; Exhibit 6.6-Housing Capacity & Expected Growth.