SDCI Director’s Report
Townhouse Easement Clarification Ordinance
December 2, 2019

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Introduction
The Seattle Department of Construction and Inspections (SDCI) is proposing to amend the Land Use Code to update the required 20 foot width of access easements to match the required 10 foot width for driveways. This is a limited code amendment applicable to small scale multifamily residential development in zones that allow it, and would create an opportunity for additional housing development.

The proposed amendments would add a new section 23.53.002 to; and would amend Sections 23.53.015, 23.53.020, 23.53.025, and 23.84A.024 "L" of the Seattle Municipal Code (SMC) in order to accomplish the following:

- Amend the standards for access easements that serve three to nine dwelling units to match the required 10-foot wide minimum hard-surfaced driveways;
- Remove the word "exclusive" from the definition of "Lot" to be in line with the recent Hearing Examiner Decision in MUP-17-036 (2018; and
- Make minor updates and clarifications.

Proposal and Analysis
The Land Use Code currently has different standards for vehicle access easements in Section 23.53.025 and driveways in subsection 23.54.030.D. These differing standards have been in the Land Use Code for many years. When a piece of land is subdivided from one lot into two lots, and one lot is located on the street with street frontage and the other one is an interior or landlocked lot, the code requires an access easement to the street for the landlocked lot across the lot that has street frontage. In this situation, the code requires a twenty-foot wide easement to serve a development with three to nine units even though the required minimum driveway width is ten feet unless the driveway is more than 100 feet in length. The proposal is generally applicable to the lowrise zones, such as LR1 and LR2. For easements, the existing code allows discretion for the Seattle Fire Department (SFD) to require and additional two feet of width if needed to adequately serve the development. This authority is not proposed to be changed.

The original intent of the twenty-foot easement width was to allow emergency vehicles to drive onto the lot served by the easement and go around a car parked in the driveway. The SFD does not need to drive a vehicle onto lots in the small scaled development related to this proposal. SFD can access the site on foot to provide fire protection and respond to medical emergencies without having to drive within these small-scale developments.

The second part of the proposal is to further elucidate the definition of "Lot" to be in alignment with the recent Hearing Examiner Decision in MUP-17-036, In the Matter of Gerard Bashein (2018). The Decision states that an access easement for the use of a landlocked rear lot may also be used by the front parcels burdened by the easement as their driveway. In this Decision, the word "exclusive" in the definition of "Lot" is not intended to give
only the property owners in the landlocked rear lot exclusive access rights, so therefore the word "exclusive" is proposed to be deleted.

The proposed code amendments to the Land Use Code may result in additional housing units by allowing for more efficient use of land on the lots abutting streets that provide easements to landlocked lots. By reducing the easement requirement to match the width of the driveway, 10 additional feet of lot area would become available and could provide more opportunity to build one additional housing unit. Based on SDCI permitting data, there are an estimated 175 projects on average per year of 3 to 9 units that could potentially benefit from the proposal. This proposal is intended to both meet the needs of SFD as well as providing an opportunity for additional housing.

Comprehensive Plan Consistency
The following Seattle 2035 Comprehensive Plan policies are directly applicable to this proposal:

LU 8.3  "Provide housing for Seattleites at all income levels in development that is compatible with the desired neighborhood character and that contributes to high quality, livable urban neighborhoods."

LU 8.9  "Establish lowrise multifamily zones to accommodate various housing choices in the low- to moderate-density range suitable for a broad array of households and incomes, including walk-up apartments, town houses, row houses, duplexes, triplexes, and cottage housing."

H 3.3  "Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services."

The proposal is consistent with applicable Comprehensive Plan Policies.

Recommendation
SDCI recommends adoption of the proposed amendments to the Land Use Code. The proposal would provide consistency between driveway width and easement requirements and create an opportunity for additional housing development, consistent with the Comprehensive Plan.