CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Project Proposal: An ordinance amending the Seattle Land Use Code to update the required access easement width to match the existing required driveway width.

Project Sponsor: City of Seattle Department of Construction and Inspections

Location of Proposal: The proposal is a non-project action, applicable to small scale multifamily residential development in zones that allow it throughout the City.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable primarily to multifamily residential zones citywide, that would update the Land Use Code (Title 23) to update the required access easement width to match the existing required driveway width.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt  [X] DNS  [ ] MDNS  [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND

The Land Use Code currently has different standards for vehicle access easements in Section 23.53.025 and driveways in Section 23.54.030.D. Easement standards are based on the number of dwelling units served, while driveway standards are based on the number of parking spaces served. These differing standards have been in the Land Use Code for many years.

Currently, 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 minimum twenty-foot wide easement to serve a development on the landlocked lot with more than two units even though the required driveway width for that same development is a minimum ten feet. This usually arises for rowhouse and townhouse
development with three to five units. The same development, if proposed on a lot with street frontage, is required to provide a ten-foot wide driveway. For easements, the width requirement increases from 10 feet (or 12 feet if required by the Seattle Fire Department) for one or two units up to 20 feet for at least 3 units but fewer than 10, and on up in width from there. But for driveways, the standard is a minimum 10 feet for 30 or fewer parking spaces if the length is less than 100 feet. Even if more than 100 feet, the width is either 16 feet wide tapering to 10 feet at the lot line or 10 feet if a passing area 20 feet wide by 20 feet long is provided beginning 20 feet back from the lot line and again tapering to 10 feet at the front lot line. Just as with easements, the driveway width standards increase if more than 30 parking spaces are served.

For example, the current code allows for differing standards that allow for a 10-foot wide driveway to provide access to an 11-unit townhouse development with 11 parking spaces on a single site. If this same development were short platted into two lots, with five townhouses on the lot with street frontage and six townhouses on the “landlocked” rear lot, the access easement standards would require a 20-foot-wide easement.

The original intent of the twenty-foot easement width was to allow emergency vehicles to drive onto the lot served by the easement. The Seattle Fire Department can provide fire protection and respond to medical emergencies without having to drive on the lot when the easement is less than 100 feet. This accounts for the length of fire hoses and ability for fire paramedics to get gurneys to the rear lot. Therefore, the extra wide easement requirement is not needed to serve its original purpose on most landlocked lots where small multifamily development is proposed. In addition to updating this standard to fit the needs of the Seattle Fire Department, the narrower easement width could allow for the development of one additional dwelling unit on the lot with street frontage at a time when housing in the city is in high demand.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposal during Council meetings and a public hearing.

Proposal Description

The proposal is a non-project legislative action proposing amendments to the Land Use Code to modify the access easement requirements in order to make the standards consistent with driveway standards.

The proposal is intended to update the Code to fix the existing disconnect between the access easement standards in Section 23.53.025 and the driveway standards in Section 23.54.030.D. The proposed code changes would allow a minimum 10-foot wide easement for landlocked properties with more than two and fewer than ten proposed units, provided that the width is consistent with Seattle Fire Code requirements for accommodating hoses and gurneys.
In summary, the proposal will accomplish two objectives: (1) provide consistency between driveway width and easement requirements; and (2) create an opportunity for an additional housing unit on lots with street frontage that are required to provide easements to landlocked lots.

The proposal would:

- Amend the standards for access easements that serve three to nine units to be required to have a minimum 10-foot wide access easement, which is the same width as for hard-surfaced driveways
- Amend 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 says in part 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.

**ANALYSIS - SEPA**

This proposal is for an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated November 8, 2019. The information in the checklist, a copy of the proposed code changes, the Director’s Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a minor change to the Land Use Code. The proposed amendments may result in potential environmental impacts, which are identified and discussed below.

**ELEMENTS OF THE ENVIRONMENT**

Adoption of the proposed Land Use Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

**Natural Environment**

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. The changes do not alter the eligible locations for development and do not include any changes to setback requirements, height limits, or other limits on the density or scale of development.
The proposal does not significantly alter any procedures or regulations related to natural environment protections. Development of specific projects on individual sites is subject to the City’s existing regulations, such as the Stormwater Code, the Shoreline Management Program, Grading and Drainage Ordinance, the Regulations for Environmentally Critical Areas, and the Noise Ordinance. Any future project-specific development proposal that exceeds adopted thresholds is subject to environmental review as a part of the permit review process and would continue to be subject to environmental review under the proposal.

To the extent that the proposed changes could result in a slight increase in the production of housing units, the proposal could potentially allow for one additional housing unit per development proposal. Right now, the requirement to have a minimum 20-foot access easement for developments of more than two and fewer than ten units but a minimum 10-foot driveway means that a housing unit may sometimes be eliminated on lots that have street frontage in order to accommodate a 20-foot wide easement. The proposal could allow for a rowhouse development to locate potentially one additional dwelling unit in the 10-foot space currently needed to accommodate the wide access easement. The proposal would likely contribute to a slightly longer construction schedule to build that extra housing unit. The noise control ordinance sets allowable noise levels and would mitigate noise impacts from an extended construction time.

**Built Environment**

**Land & Shoreline Use, Height/Bulk/Scale**

The proposed changes are not expected to create significant impacts on existing and planned land and shoreline use. The proposal does not impact the zoning of any parcel or the types of land uses allowed in any zone. It does not include any changes to existing regulations related to the allowable height, bulk, or scale of development and does not alter density of development allowed in any particular area.

The proposed change does alter the development potential that may be allowed in some locations compared to what could occur under existing regulations. The proposed Land Use Code changes are intended to update the access easement and driveway standards, which would allow for potential incremental change in the number of housing units produced up to a maximum of one dwelling unit per development proposal. However, the existing Zoning Map shows that any future impact related to increased development potential is expected to be minimal because there are relatively few parcels located citywide that are zoned for rowhouses compared to the majority of residential zoning in the city, which is zoned for single family residential use.

The proposal would primarily allow smaller multifamily residential projects to potentially gain an extra dwelling unit. Based on SDCI permitting data, there are an estimated 175 projects of 3 to 9 units that could potentially benefit from this proposal. A portion of these projects are landlocked, but many have either alley access or street frontage, which means that those projects are not affected by this proposal. The proposed change is not expected to lead to any significant adverse environmental impacts.

The proposal is not likely to generate adverse impacts on historic landmarks, historic districts, or cultural resources. The proposed amendments would not alter the existing protections on historic
landmarks and historic districts and any future development proposals in these areas that meet existing criteria would be subject to a separate historic review process.

The proposal does not alter any procedures or regulations related to the Shoreline Management Program and would not alter allowances for development that could otherwise occur in or near shoreline areas under existing regulations.

**Transportation, Public Services, and Utilities**

The proposed changes are not expected to significantly impact transportation systems including roads, transit, and non-motorized transportation infrastructure. As discussed above, any potential increase in the production of housing units resulting from the proposal is expected to be minor and is not expected to significantly alter the overall expected pattern or amount of growth or to lead to an appreciable increase in the demand for transportation or public services or utilities.

**Consistency with the Comprehensive Plan**

As described in the checklist and the Director’s Report, the proposal supports and is consistent with goals and policies of the City’s Comprehensive Plan, including but not limited to housing, community involvement, race and social justice, and maintenance of the City’s unique character and community identity.

**Conclusion**

The proposed code amendments to modify the access easement and driveway standards are expected to have minimal impacts on both the natural and the built environment. The proposed regulations do not significantly alter the scale or intensity of development and do not alter the height/bulk/scale of new development. The proposed changes could result in a small increase in the number of housing units citywide compared to what could occur under existing regulations. The amount of impacts stemming from such an increase are not be expected to lead to any significant adverse impacts. In addition, the existing regulatory framework, i.e., the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, will address impacts of development proposals on a project-specific basis.

**DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).
Signature: [on file]  Date: 12/2/19

William Mills, Land Use Planner Supervisor
Department of Construction & Inspections