



Code Interpretation - Regulations Pertaining to Parcel Access and Yard Regulations for Short Plats and Subdivisions

CONCLUSION:

1. Parcel Access

- Driveways
 - Driveways are limited to one per parcel in the Low Density Residential (LDR) and Medium Density Residential (MDR) zoning districts.
 - Access to parking in a rear yard from an alleyway is not considered to be a driveway.
- Private access roads (PAR)
 - A single private access road that serves interior parcels may be permitted as part of a proposed plat. Private access roads in an easement shall be limited to a single location per parcel.

2. Yard Orientation and Setbacks

- Parcels with a private access road within an easement in the LDR and MDR districts shall have their yard setbacks measured from the property line, not the edge of the private access road.
- Corner lots fronting a public street and a private access road shall have their front yard oriented towards the public street.
- A PAR within an easement shall not count against a parcel's development area within the LDR district; the development area for a parcel shall be calculated using only the remaining area outside of the access easement.

WHY WAS THIS INTERPRETATION DEVELOPED?

1. **Parcel Access:**

Background

Vehicle access into a parcel is necessary to access required on-site parking from a City right-of-way. As access points impact both traffic flow and pedestrian safety, their design and location are heavily regulated by the Tukwila Municipal Code (TMC) and the City of Tukwila Infrastructure Design and Construction Standards.

TMC Title 18 defines various types of vehicle access as follows:

18.06.035 Alley - "Alley" means a public thoroughfare or way usually having a width of not more than 20 feet which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

18.06.015 Access Road - "Access road" means that portion of a driveway which provides access to one or more parking lot or area, provides access to more than one property or lot, or may provide internal access from one street to another. This shall not include that portion of driveways whose primary function is to provide direct access to adjacent parking spaces and which, as a secondary function, also provides circulation within parking areas.

18.06.185 Curb-Cut - “Curb-cut” means a depression in the roadside curb for driveway purposes which provides access to a parking space on private premises from a public street.

18.06.215 Development Area - “Development area” means the impervious surface area plus 75% of any area of pervious hard surface.

18.06.240 Driveway - “Driveway” means a private road giving access from a public way to a building or abutting grounds.

18.06.615 Parking Space - “Parking space” means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.

18.06.636 Preliminary Plat - “Preliminary plat” means a neat and approximate drawing of a proposed subdivision or short plat, showing the general layout of streets and alleys, lots, blocks, utilities, and restrictive covenants to be applicable to the proposal, and other elements of a plat which shall furnish a basis for the approval or disapproval of the application.

18.06.638 Private Access Road - “Private access road” means a minor, privately owned and maintained road which serves to provide access to lots as authorized pursuant to TMC 17.24.030 and 17.28.050.

18.06.795 Street - “Street” means a public thoroughfare which affords the principal means of access to abutting properties. Limited access State routes such as I-5, I-405, or SR 518; subdivision tracts dedicated for access; private easements for access; and streets that provide no access to abutting properties shall be considered streets for the purposes of determining the type of lots such as corner or through lots and their setbacks and landscape requirements.

TMC Title 17 and Title 18 provides the City with the authority to regulate street, curb, and driveway design as part of a proposed short plat development:

TMC 17.20.030 General Standards - C. Streets.

1. *Extension. Proposed street systems shall extend existing streets at the same or greater width, unless otherwise approved by the Department of Public Works and authorized by the Director in approval of the plat. Where appropriate, streets shall be extended to the boundaries of the plat to ensure access to neighboring properties. The City’s goal is to have an integrated system of local streets whenever practical.*
4. *Street layout. Street layout shall provide for the most advantageous development of the subdivision, adjoining areas, and the entire neighborhood. Evaluation of street layout shall take into consideration potential circulation solutions. While it is important to minimize the impact to the topography from creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal.*
5. *Private access roads may be authorized if: a. Allowing private access roads in the area being subdivided will not adversely affect future circulation in neighboring parcels of property; and b. Adequate and reasonable provisions are made for the future maintenance and repair of the proposed private access roads; and c. The proposed private access roads can accommodate potential full (future) development on the lots created; and d. For residential subdivisions, the proposed private access roads do not serve more than four lots nor are more than 200 feet in length. Those access roads 150 feet or greater in length shall have a turnaround built to Fire Department*

standards. e. For commercial and industrial subdivisions, when private access roads are authorized, there shall be a minimum easement width of 40 feet. With the exception of minimum easement widths, private access roads shall be designed and constructed in accordance with the Department of Public Works standards, and zoning setbacks shall be required as though the easement were a public right-of-way.

Chapter 18.56 Off-Street Parking and Loading Regulations

- 18.56.040 General Requirements - Any required off-street parking and loading facilities shall be developed in accordance with the following standards: 11. CURB-CUTS. All parking areas shall have specific entrance and/or exit areas to the street. The width of access roads and curb-cuts shall be determined by the Public Works Director. The edge of the curb-cut or access road shall be as required by the Public Works Director for safe movement of vehicles or pedestrians. Curb-cuts in single-family districts shall be limited to a maximum of 20 feet in width and the location shall be approved by the Public Works Director
- 18.56.065 Residential Parking and Storage Requirements: Parking in the rear setback for a single-family home is permitted where the parking is connected to a rear alley.

Discussion

Private access roads (PAR) are privately owned and not within the public right-of-way; they are typically located either within an easement or a separate tract that is created during the short plat or subdivision process. When located within an easement, the PAR typically passes partially or fully through private parcels to serve all properties that gain access via the PAR.

While each new parcel will have a driveway that connects to the new PAR, these driveways do not necessarily each gain access via a “curb-cut” as defined in the TMC: “Curb-cut” means a depression in the roadside curb for driveway purposes which provides access to a parking space on private premises from a public street.

Additionally, TMC 18.06.015 states that an Access Road “shall not include that portion of driveways whose primary function is to provide direct access to adjacent parking spaces.”

Interpretation:

For the purposes of this interpretation, terms are understood as follows:

- A private access road is a type of “Street” (TMC 18.06.795) which provides access to two or more parcels in a proposed short plat.
- A driveway (TMC 18.06.240) is a private means of access that serves a single parcel.

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- Only one point of access via a driveway is permitted per parcel; this also applies to corner lots. Each parcel in a proposed plat shall be permitted to gain access via a *single* driveway from either a private access road or public street. (Fig. 1)

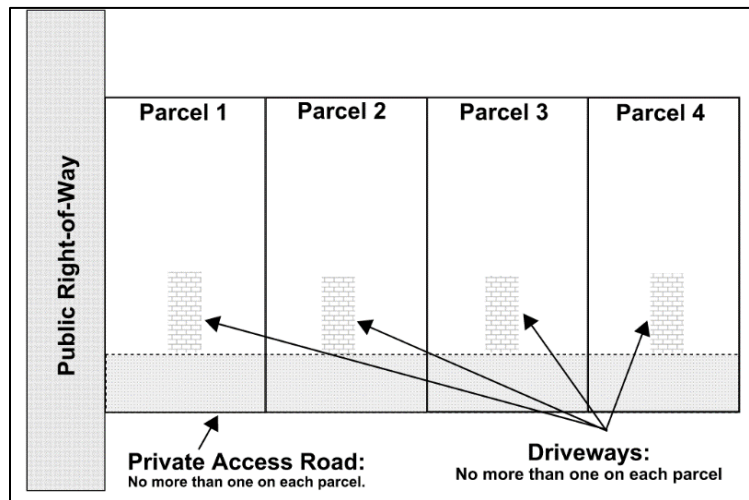


Figure 1: Compliant Short Plat Example

- In a proposed plat, access from an existing public street to a parcel in a proposed plat adjacent to the public street shall be limited to one location on the parcel. If an existing access exists, it shall be utilized. In Figure 4 for example, a new private access road (red) would not be permitted as access could be achieved through an existing private access road (green).

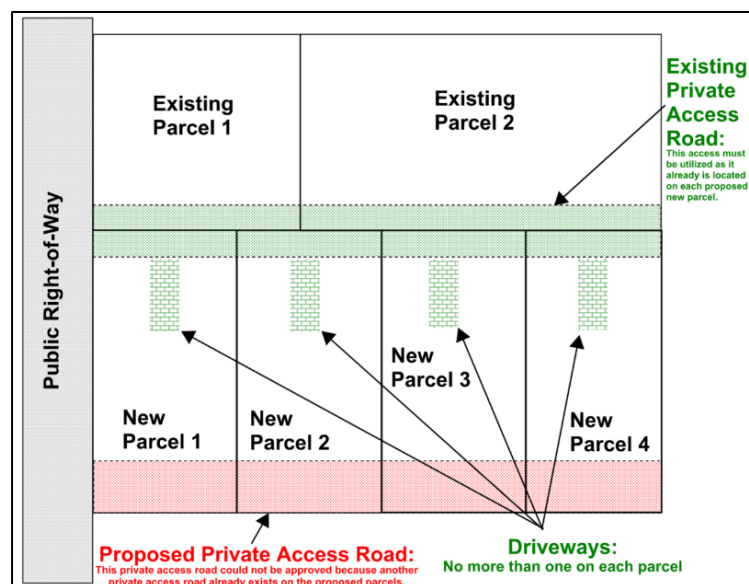


Figure 2: Noncompliant Private Access Road

- For properties adjacent to public alleys, access may be gained into the parcel from the public alley in addition to one driveway elsewhere on the parcel.

2. Yard Orientation and Setbacks:

Background

Access easements are designated for public or private access, not for direct use or development of the land; these easements often pass through a given parcel to provide a neighboring parcel access to the right-of-way that it would otherwise not have. However, their presence within a parcel has often raised questions surrounding development area, setbacks, and building orientation requirements.

Discussion

TMC Title 18 defines provides the following definitions for yards and setbacks:

1. 18.06.945 Yard - *"Yard" means a required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward.*
2. 18.06.740 Setbacks - *"Setbacks" means the distances that buildings or uses must be removed from their lot lines except that roof eaves may intrude a maximum of 24 inches into this area. A maximum 24-inch overhang may also be allowed for portions of a building (such as a bay window) if approved as part of design review approval where the overhang provides modulation of the façade.*
3. 18.06.950 Yard, Front - *"Front yard" means a yard extending between side lot lines across the front of a lot. In MDR and HDR zones, this shall also include areas adjacent to 'access roads'.*

TMC 18.06.950 above and TMC 18.06.795 imply that parcels that gain vehicular access from a PAR need to be oriented towards the PAR the same as any public street in the City: *"subdivision tracts dedicated for access; private easements for access; and streets that provide no access to abutting properties shall be considered streets for the purposes of determining the type of lots such as corner or through lots and their setbacks and landscape requirements."* However, TMC 18.06.740 states that setbacks are measured from the property line: *"Setbacks" means the distances that buildings or uses must be removed from their lot lines except that roof eaves may intrude a maximum of 24 inches into this area.*" This raises the question of whether a building that gains access from a PAR in the LDR and MDR districts must be both oriented towards and setback the required 20' for a front yard from the property line or from the PAR itself.

Additionally, the presence of an access road within an easement could substantially impact the overall development area of a given parcel. For example, using the minimum parcel size of 6,500 sf for the LDR district, a 20' wide private access road within an easement would occupy 1,200 sf (18%) of the parcel. By requiring a structure to be setback an additional 20' from the edge of the PAR, the first 40' (36%) of the parcel is unable to be utilized for development (45%). In comparison, the same parcel set back from the edge of a public road would have significantly more room left to develop (60%).

A comparison of these differences is provided in Figure 3 below:

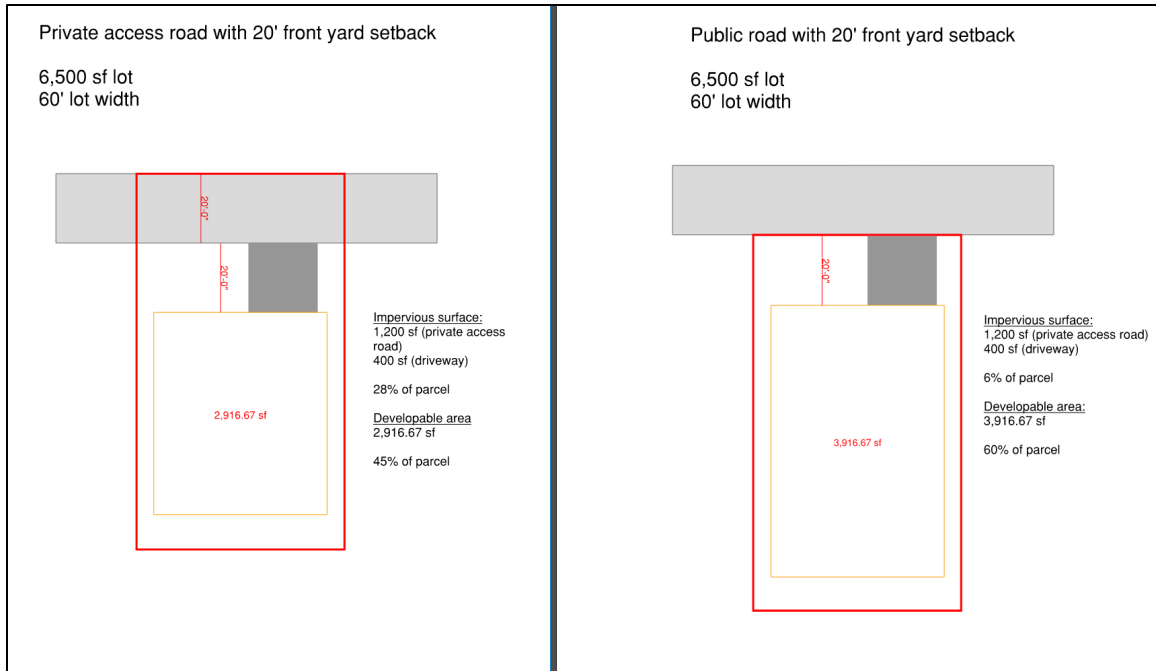


Figure 3: Parcel Development Area with access provided via PAR vs. Public ROW

Interpretation:

The following interpretations resolve these conflicts:

- In the LDR and MDR districts, parcels that gain access from a PAR are only required to have a 20' front yard setback from the edge of the property line, not from the edge of the PAR.
- Parcels that gain access from a PAR shall be oriented towards the PAR, with the front yard setback beginning at the property line.
- Corner parcels that front both a public street and a PAR shall have their Front Yard oriented towards the public street.
- A PAR within an easement shall not count against a parcel's development area within the LDR district; the development area for a parcel shall be calculated using only the remaining area outside of the access easement.

JUSTIFICATION FOR THESE INTERPRETATIONS

Many cities have been implementing strategies to reduce the number of driveways, especially in urban areas. This is often part of broader efforts to improve pedestrian safety, reduce traffic congestion, and enhance the overall urban environment. Limiting the number of driveways can reduce pedestrian conflicts by minimizing the points where vehicles cross sidewalks or pedestrian paths.

Tukwila's Comprehensive Plan provides policies that direct the City's regulations and standards for land division projects and help achieve transportation goals. The following policies and implementation strategies have informed this interpretation:

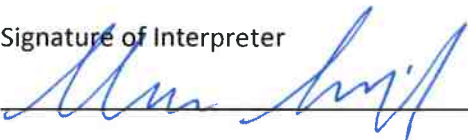
- *Policy 13.6.1: Consider and provide for all users of the roadway, including pedestrians and bicyclists, as appropriate, when new streets and street improvements are made.*

- *Policy 7.4.2 Decrease greenhouse gas emissions through land use strategies that promote a mix of housing, employment and services at densities sufficient to promote walking, bicycling, transit and other alternatives to auto travel.*
 - *Implementation Strategies*
 - *Revise development regulations to create an incentive rather than disincentive to share access roads that will serve proposed plats and future adjacent platting.*
 - *Subdivision and re-platting of large residential lots*
 - *Invest in public facilities and improvements to encourage neighborhood identity and private property improvements.*
 - *Require sidewalk and landscape planter for both sides of residential streets and on two-lane street improvements, where appropriate.*
- *Policy 7.3.2: Improve the public infrastructure in all neighborhoods to an equivalent level of quality, with an emphasis on sidewalks.*
 - *Implementation Strategies:*
 - *Emphasize public health and safety concerns in development design.*
 - *Mandate, through the Zoning Code and design manuals, high-quality public facility and private development design for neighborhood quality.*
 - *Develop a right-of-way manual to provide clear direction to developers on required improvements as infill development occurs.*

In working to fulfill these policies of the Comprehensive Plan, the Public Works Director and DCD Director have the authority to determine the final location of all curb cuts, driveways, and PARs during the development permit review process, while the Short Plat Committee has the authority to do same during the short plat/subdivision process.

 *Max Baker*

Signature of Interpreter

 *Max Baker*

Date: *5/20/2024*

Approved by Director of Community Development

Date: *5/20/2024*