

# Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

## Street, Alley, and Pedestrian Improvement Exceptions—

### Description and Application Instructions

Updated December 8, 2021

The Seattle Land Use Code requires developments of a certain size or type to provide street and alley improvements for the portions of the public right-of-way that abut their property. Requirements for these improvements can be found in Seattle Municipal Code (SMC), Section 23.53.

In certain situations, there may be property related site characteristics which make it difficult or infeasible to provide the prescriptive right-of-way improvements that are required by the code. In recognition of these situations, the code allows the Director of the Seattle Department of Construction and Inspections (SDCI), in consultation with the Seattle Department of Transportation (SDOT), to grant exceptions or modifications to the prescriptive street and alley improvement requirements, if an applicant can demonstrate that the site characteristics meet one or more of the exception criteria, per SMC 23.53.

An applicant should recognize that while the Land Use Code sets forth the general improvement requirements, such as the need for sidewalks or street paving, the final engineered improvement needed will be installed according to the technical codes administered by SDOT. The technical codes, (the ROWIM and the Right of Way Opening and Restoration Rule) may ultimately call for additional elements such as curbs and landscaping for street trees when sidewalks are installed, or replacement of additional street paving when the existing conditions are degraded. To understand the scope of likely street improvement requirements in the Street Improvement Permit Process (SIP), applicants may want to consult with SDOT reviewers before applying for a street improvement exception.

The Director of SDCI is not obligated to grant a street improvement exception. The burden of proof is the responsibility of the applicant to demonstrate that the characteristics of the development site or surrounding properties meet one or more of the conditions that allow an exception to be granted.

An applicant may request an exception to modify street and alley improvement requirements, and this Tip sets out the circumstances and submittal requirements under which such an application can be considered. The waiver or modification will typically provide the minimum relief needed to accommodate site conditions while maximizing access and circulation. The approval of an SDCI exception is not a final land use decision and does not represent site plan approval.

### Street Improvement Exception Criteria

Sections 23.53.015.D(3) and 23.53.020.E(3) establish the criteria used to determine whether exceptions can be granted for street improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb installation when it is determined that one (1) or more of the following conditions exist:

- a. Location in an environmentally critical area (ECA), disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.
- b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.
- c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.
- d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.
- e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.
- f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the

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right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

- g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required 20% maximum driveway slope.
- h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

### Alley Improvement Exception Criteria

Section 23.53.30.G establishes the criteria used to determine whether exceptions can be granted for alley improvements. The Director, after consulting with the Director of SDOT, may modify or waive the requirements for dedication, paving and drainage, setbacks, grading and no-protest agreements, if it is determined that one (1) or more of the conditions below are met. The Director may require access to be from a street if alley improvements are also waived.

- 1. Location in an environmentally critical area (ECA), disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.
- 2. Widening and/or improving the right-of-way would make a building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.
- 3. Widening and/or improving the right-of-way would eliminate alley access to an existing lot.
- 4. Widening and/or improving the right-of-way is impractical because topography precludes the use of the alley for vehicular access to the lot.
- 5. The alley is in a historic district or special review district, and the Department of Neighborhoods Director finds, after review and recommendation by the appropriate review board, that the widening and/or improvement would be detrimental to the character and goals of the district.
- 6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

- 7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevard, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.
- 8. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.
- 9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.

### Pedestrian Improvement Exception (Sidewalk Waiver Criteria and Modification of Pedestrian Access and Circulation Requirements)

While maximizing pedestrian access and circulation, Section 23.53.006F(2) establishes the criteria used to determine whether a request to waive and/or modify sidewalk requirement can be granted for street improvement. The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions:

- In an environmentally critical area or buffer makes installation of a sidewalk impractical or undesirable.
- The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes the installation of a sidewalk impractical or undesirable.
- Sidewalk construction would result in undesirable disruption of existing drainage patterns, or disturbance to or removal of natural features such as significant trees or other valuable and character-defining mature vegetation.
- Sidewalk construction would preclude vehicular access to the lot, for example on project sites where topography would render driveway access in excess of the maximum 20 percent slope.

Note: Please contact SDOT if your project requires deviation from sidewalk standards per Section 23.53.006F(3) of the land use code. The Director of Transportation may grant a deviation from sidewalk standards specified in the [Streets Illustrated/Right-of-Way Improvements Manual](#) through the Deviation Request Process in order to address accessibility, environmental or sustainability issues through the use of an alternative sidewalk design and/or materials.

## To Apply

There are two opportunities to apply for a street improvement exception:

1. You can apply after you receive your Preliminary Application Report (PAR) by logging into the Seattle Services Portal and creating an amendment to your permit.
  - a. Log in to your Seattle Services Portal at <https://cosaccela.seattle.gov/portal/>
  - b. Locate your project in your My Records list
  - c. Click the Make Changes link next to the project description
  - d. Chose Exception / Exemption Request
    - Select either one exception or all that apply: ‘Street, Alley and/or Pedestrian’ Improvement Exception Request and input the improvement you wish to be excepted, the street or alley location and the criteria that applies.

NOTE: Only one exception per project is required. Each exception can include multiple streets, multiple alleys and multiple pedestrian improvement locations (if applicable).
  - e. Submittal Requirements:
    - Site plan per [Tip 103](#)
    - Supporting Documents, examples include:
      - Property surveys showing topography and other physical features that affect improvements
      - Geotechnical reports (if located in ECA Steep Slope)
      - Wetland or Riparian Corridor delineation reports

- Arborist or landscape professional reports
- Copies of flood maps
- Photos showing existing buildings or structures affecting improvements
- Permits establishing the age of existing buildings which encroach into the set-back or dedication area
- Diagram of alternative improvements proposed in lieu of code requirements
- Submit a [Statement of Financial Responsibility](#)

2. During project review, email your zoning reviewer to have a record created. After the reviewer creates your record, you'll be contacted to upload documents and pay your fees.

After receiving the street improvement exception request, an assigned SDCI planner will review the project scope, basic improvement requirements, the site characteristics and the information submitted by the applicant. The planner will also consult with an analyst from SDOT before making a determination on the exception request. This process normally takes 4-6 weeks, and may include requests for additional information, which could impact the total exception processing time frame.

## Fees

Permit fees are established by the Seattle Permit Fee Subtitle available on SDCI's fees page at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees).

## Questions

For questions about submitting a street improvement exception request, use our Send Us a Question tool at [www.seattle.gov/sdci/questions](http://www.seattle.gov/sdci/questions).

## Access to Information

Links to SDCI Tips, Director's Rules, and the Seattle Land Use Code are available on our website at [www.seattle.gov/sdci](http://www.seattle.gov/sdci).