

Seattle Permits

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

Opportunities for Flexibility in the Building Code

Updated August 4, 2022

What Is the Purpose of This Tip?

This Tip is about the flexibility in the building code, and how you can use it. The code allows us to consider different ways you can show your project meets the goals of the code. In many, but not all, cases this flexibility could help you get approval for your project. We need to agree with what you do first, though.

First Things First: Know the Code

Why do I need to know the code?

To use the code's flexibility, you need to understand the code's goals as they apply to your project.

Ask yourself these questions:

- Why does the code require what it does? What are the goals?
- Is that a problem on my project and, if so, why?

What should I do before I ask for flexibility?

Before you ask to use the code's flexibility on your project, we expect you to make every effort to do what the code requires. You should explore all the ways you could comply, even if it means you need to change something you planned.

If you are not familiar with the construction codes, you should hire a professional to help you find a way to comply. If you still cannot comply, then the code may give you options to help you get your proposal approved.

Types of Flexibility

What options does the code give?

The code describes code alternates, code modifications, and code interpretations.

All of these options may help you solve compliance issues.

Also, see the Seattle Existing Building Code Section 101.11 Impracticality.

What is a code alternate?

A code alternate allows you to substitute something else in place of what the code requires, as long as it is equivalent. Code alternates are described in Section 104.5 of the Building Code.

Our building codes do not include everything. The codes may say to do one thing when another might also work. You may want to use a different material, product, system, or method of analysis. You must show that your proposed substitute performs as well as what the code requires.

We have pre-approved some code alternates. These are in the code already, at the end of the code section where they apply.

What is a code modification?

A code modification allows you to do something different than what the code requires. A code modification is a reasonable solution to a practical difficulty in complying with a section of the code. If you want a code modification, you must propose a solution that reasonably meets the code's intent. Code modifications are described in Section 104.4 of the Building Code.

We are more likely to approve a code modification for existing buildings. We recognize that existing buildings may be more limited in what can be done to comply with the code. Often, the cost of fully meeting the code



requirements gives a benefit that is too small compared to the scope of work.

The code also has a section on impracticality. You can only use this as a reason to request a change on an existing building.

We decide new code alternates and code modifications on a case-by-case basis. Our decisions are limited to that specific project.

What is a code interpretation?

The code allows us to interpret what the code means. If you're unclear about how a code section applies to your project, you can ask us whether your understanding of the code is correct. Code interpretations are described in Section 104.8 of the Building Code.

What is the difference between a code alternate and a code modification?

A code alternate must perform **equally as well** as the code.

A code modification must perform **reasonably as well** as the code.

When you request a code alternate or code modification, you need to show us how your proposal performs in comparison to the code in these areas:

- Strength
- Effectiveness
- Fire resistance
- Durability
- Safety
- Sanitation
- Accessibility

We consider how your project performs as a whole. Strong performance in one area may help make up for weaker performance in another area. We look at what you propose and how it works together with other features of your building. The context of your proposal matters. The location of your project, how it is used, who will occupy it, and other things can be important.

Making Decisions

How do I request flexibility?

You usually request code flexibility at a Pre-submittal Conference. This is a meeting where you explain why your project needs flexibility and present your proposal. It is a key meeting to help us decide if your project qualifies for a code alternate or code modification. See Tip 318, *Construction Pre-Submittal Conferences*.

How do we make our decisions?

We base our decisions about your project on what you tell us. You are responsible for giving us information that is complete and accurate. The more in-depth and well-prepared your analysis, the more likely we will be able to approve it.

We are looking for evidence or proof that supports your proposal. We may ask follow-up questions or require more information. We need enough information to satisfy our questions and make an informed decision.

We consider past decisions when making new ones. We also ask how any new decisions might apply to other projects. This helps us make reasonably consistent decisions based on each project's specifics.

Is flexibility always possible?

No. Flexibility is not always possible. Important principles do not change. In addition, the codes define and limit our authority.

Our first priority is to see that your project complies with the code. We try to help you do what you want to do within the limits of our authority.

Can I ask to have the decision reviewed by someone else?

Yes. Tip 332, *Code Interpretation Appeals to the Construction Codes Advisory Board*, tells you how to get another review of our decision.

Asking Questions

The Applicant Service Center provides brief, one-on-one, in-person help and answers to process questions. via our online services at www.seattle.gov/sdci/about-us/who-we-are/applicant-services-center.

To send us a question from our webpage, use our Submit a Request form at https://sdci.zendesk.com/hc/en-us/requests/new?ticket_form_id=1500003356822. However, most questions about flexibility are more complicated than can be answered this way.

Access to Information

Links to electronic versions of SDCI Tips and other helpful publications are available on our website at www.seattle.gov/dpd/toolsresources/.