

Seattle Permits

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

Street and Alley Improvement Exceptions—

Description and Application Instructions

Updated July 20, 2007

The Seattle Land Use Code requires developments of a certain size 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 Department of Planning and Development (DPD), 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.

The Director of DPD 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.

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 and sidewalk installation when it is determined that one (1) or more of the following conditions exist:

- a. Location in an environmentally critical area, 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 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 ex-



ample, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Examples of supporting documentation that should be submitted with your street improvement exception request are listed below. Not all of these examples would apply to each exception request, and this is not an all-inclusive list. It is the applicant's responsibility to provide documentation that clearly demonstrates why an exception should be granted to the standard right-of-way improvements.

Examples of supporting documentation include:

- surveys showing topography and other physical features that affect improvements
- geotechnical reports
- wetland 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 setback or dedication area.
- copies of adopted neighborhood or City plans

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 following conditions 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, 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.

Examples of supporting documentation that should be submitted with your street improvement exception request are listed below. Not all of these examples would apply to each exception request, and this is not an all-inclusive list. It is the applicant's responsibility to provide documentation that clearly demonstrates why an exception should be granted to the standard right-of-way improvements.

Examples of supporting documentation include:

- surveys showing topography and other physical features that affect improvements
- geotechnical reports
- wetland 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 setback or dedication area.
- copies of adopted neighborhood or City plans

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 Right-of-Way Improvements Manual through the Deviation Request Process in order to address environmental and sustainability issues through the use of an alternative sidewalk design and /or materials.

To Apply

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

1. with your preliminary application for a construction or Master Use Permit (MUP)
2. after you receive and review your interdepartmental Preliminary Assessment Report (PAR) for your building permit application, but prior to the intake of your building permit application
3. during the intake appointment
4. during project review of a building permit. Submitting an application for a street improvement exception during the building permit project review, will extend the review process by 2 to 3 months.

To apply for a street improvement exception, the applicant will need to submit the following information to DPD:

- the DPD Preliminary Application form
- 2 copies of a preliminary site plan, as detailed in Tip 103
- a Pre-application Site Visit Request form (PASV)
- a Right-of-Way (ROW) Improvement Exception Request form (Attached)
- supporting documentation, such as photos, technical reports from qualified professionals, or other information as outlined above in this Tip, and which supports the applicant's position regarding site specific characteristics that make routine improvements impossible or infeasible.

The application materials can be dropped off at the Applicant Services Center (ASC) on the 20th floor of the Seattle Municipal Tower, during normal office hours. (See www.seattle.gov/dpd/permits for hours and location.)

Street improvement exception applications can also be mailed in to the DPD ASC at the following address:

Applicant Services Center
City of Seattle
Department of Planning and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

To apply for a street improvement exception after the preliminary application has been processed, the applicant will need to submit:

1. a Right-of-Way (ROW) Improvement Exception Request form (Attached)
2. supporting documentation, such as photos, technical reports from qualified professionals, or other information as outlined above in this Tip, and which supports the applicant's position regarding site specific characteristics that make routine improvements impossible or infeasible.

After receiving the street improvement exception request, an assigned DPD 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 2-3 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 at the PRC on the 20th floor at (206) 684-8467, or on DPD's fees page at www.seattle.gov/dpd/codesrules/codes/fees/.

Access to Information

Links to electronic versions of **DPD Tips**, **Director's Rules**, and **Forms** are available on the "Tools & Resource" page of our website at www.seattle.gov/dpd. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.



RIGHT-OF-WAY IMPROVEMENT EXCEPTION REQUEST FORM

Project Number: _____

Address: _____

Contact Name : _____

Phone Number/Email: _____

- Street or alley name : _____
(Please complete an application for each street and/or alley)

- Location in an environmentally critical area, 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.
- The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.
- 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.
- Widening and/or improving the right-of-way would eliminate street or alley access to an existing lot.
- 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.
- 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.
- 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. (STREET ONLY)
- 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.
- 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. (ALLEY ONLY)
- Widening and/or improving right-of-way (ROW) is impractical because topography precludes the use of the alley for vehicular access to the lot. (ALLEY ONLY)

DPD Tip #205—**Street and Alley Improvement Exceptions**

- Land Use Code section(s) for the right-of-way exception(s) you are applying for: _____

- Requested improvement exception/modification:

- Reason or justification for exception request:
(Document existing site conditions which relate to the code citation(s) above.)

Attachment A

Please include supporting documentation to include items such as site or contextual photos, survey, technical reports, applicable diagrams, maps or illustrations.