

2.11 Deviation Request Process for Street Right-of-Way Improvements

The Deviation Request Process defined in this section applies to deviations from the design criteria presented in this Manual, and does not apply to or replace, any other deviation, variance or exception process required for the City of Seattle permits or approvals or those of other agencies. For instance, requests to modify or waive a Land Use Code requirement for street improvements must be submitted to DPD (see [DPD CAM 205](#) for instructions to apply for Street and Alley Improvement Exceptions). The design criteria presented in this Manual have been developed to assure that Seattle's street rights-of-way are designed in such a manner as to protect the health, safety, and welfare of the public and to minimize post-construction maintenance and repair costs.

An applicant can request a deviation from the design criteria in this Manual for a street right-of-way improvement project by following the process defined in this section. In the case of a deviation request, the Seattle Department of Transportation (SDOT) will require the applicant to follow the procedure defined in Chapter 2.11.1 Deviation Request Submittal Process. The final decision on whether a deviation request is granted lies with SDOT.

2.11.1 Deviation Request Submittal Process

1. **Design guidance meetings:** The applicant must obtain approval through a 60% Complete SIP Design Guidance meeting. Design guidance meetings at the 0-30%+ level are optional and can be held to share contact information and discuss information relative to proposed street right-of-way improvements, including potential deviations and the necessary information that SDOT will require to evaluate the deviation request prior the 60% complete submittal. Refer to [CAM 2211](#) for more information regarding the Design Guidance process.
2. **Deviation request submittal:** If the applicant chooses to apply for a deviation, he or she must submit the following in addition to the requirements for a 60% Complete SIP Design Guidance Meeting:
 - A completed [Deviation Request Form](#). Depending on the nature of the improvement, SDOT may require the deviation request to be signed and sealed by a professional engineer.
 - Description of how proposed work is consistent with the Comprehensive Plan, Transportation Strategic Plan, as well as any subarea transportation plans or neighborhood plans relevant to the area.
 - Engineering justification for the deviation proposal. The justification should describe the impacts of meeting the standard and why the deviation is the preferred alternative.
 - Information on existing and predicted vehicular and pedestrian traffic volumes, when changes are expected as a result of the project.
 - Any additional information defined in the previous Design Guidance meetings that SDOT determine necessary to evaluate the deviation request.

The permit reviewer will screen the submittal package to determine if it meets the minimum submittal requirements for a 60% Complete SIP Design Guidance Meeting and provide the screening outcome within 3 business days.

3. **Deviation request coordination and review:** When a deviation request is submitted, SDOT's Street Use staff will consult with appropriate staff within SDOT and other departments that will be impacted by the deviation. If a 60% Complete SIP Design Guidance Meeting is not needed to process the deviation request, SDOT will typically process the request and notify the applicant if the request has been accepted or rejected within one week of the submittal. If City staff require additional information to process the request, the SDOT reviewer will alert the applicant that a 60% Complete Design Guidance meeting is required.

Permit submittal: Following acceptance or rejection of the deviation request, the applicant may submit 90% Complete SIP plans for formal review.

2.12 Environmental Review and Approvals

Permit applicants whose projects meet certain criteria are required to prepare an [Environmental Checklist](#). Refer to [DPD Director's Rule 17-2008: State Environmental Policy Act \(SEPA\) Exemptions from Environmental Review Requirements When Establishing, Changing, or Expanding a Use](#). For a complete listing of exempt and non-exempt projects, refer to [SMC Chapter 25.05](#).

For most private development projects the environmental review is a part of the Department of Planning and Development (DPD) Master Use Permit (MUP) process and DPD is considered the lead agency. DPD is also responsible for the environmental review of City Council conditional uses, full subdivisions, major institution master plans, and rezones.

For some development projects whose adverse impacts may significantly affect the environment, a checklist will not provide adequate environmental review. Projects that may significantly impact the environment will require an environmental impact statement (EIS).

When work by a private entity is solely in the right of way and does not require a DPD MUP or construction permit, the SEPA review may be performed as part of the SDOT Street Improvement Permit (SIP).

2.12.1 City Environmental Approvals

The State Environmental Policy Act (SEPA), RCW Chapter 43.21 C, requires governmental agencies to consider the environmental impacts of a proposal before making decisions.

The environmental impacts of certain public and private development proposals must be assessed by the City of Seattle per SEPA and the Seattle SEPA Ordinance - [Chapter 25.05](#), Seattle Municipal Code (SMC). The level of documentation required to comply with SEPA is dictated by the type of impacts a project may have. There are three levels of documentation:

- **Categorical exemption:** State and local SEPA regulations list certain types of projects presumed to have minimal or no impacts. A SEPA review is not required for these exempt projects. However, certain state and federal permits may require a letter or memo indicating a project is exempt. SEPA exemptions are listed in [SMC 25.05.800](#) and for DPD permits are further clarified in [DPD Director's Rule 17-2008](#).
- **Determination of non-significance (DNS):** During the review of a project under SEPA, impacts from a proposal may be limited to those which are fairly minor in scope or otherwise are not considered to be significantly adverse. This determination may be made after reviewing a SEPA checklist and other supporting documentation. The Seattle SEPA Ordinance includes policies that may allow for mitigation from identified adverse impacts. SEPA checklist requirements can be found in [SMC 25.05.315](#).

Determination of significance (DS): When review of a proposal determines that expected adverse impacts may be significant, a Determination of Significance may be made, requiring the preparation of an environmental impact statement (EIS). A description of SEPA EIS requirements can be found in [SMC 25.05.400](#).

2.12.2 Environmental Review as Part of the Permit Process

In order for these assessments to be made, permit applicants whose projects meet certain criteria are

required to prepare an [Environmental Checklist](#). For a complete listing of exempt and non-exempt projects, refer to SMC [Chapter 25.05.305](#).

For some development projects whose adverse impacts may significantly affect the environment, a checklist will not provide adequate environmental review. Projects that may significantly impact the environment will require an environmental impact statement (EIS).

2.12.3 Filling Out the Environmental Checklist

If a project is subject to the State Environmental Policy Act (SEPA) and not categorically exempt, an [Environmental Checklist](#) must be filled out and submitted by the applicant at the time of SIP permit application, so that SDOT can review the project for compliance. Refer to the Environmental Checklist on the SDOT website.

If the environmental review for a project has been completed by another City department or by a different governmental agency, a copy of the threshold determination and the Environmental Checklist - or the draft and final EIS - must be made available to the SIP Project Manager. A copy of the threshold determination and environmental impact statement (EIS), if any, must also be submitted to SDOT prior to 60% Complete SIP Approval.

Applicants must fill out the Environmental Checklist accurately and completely in ink, acknowledging potential impacts, including those associated with demolition, grading, and construction (temporary as well as permanent). Measures that an applicant plans to take to mitigate adverse environmental impacts associated with a project should be discussed under the appropriate element(s) of the environment.

The completed checklist must be dated and signed and must include the complete street address of the project. Future development proposals related to the project should be discussed even if details are not fully established. This will ensure that the applicant does not need to go through an additional environmental review and appeal period later in the process. However, discussion of future development proposals in the checklist does not exempt an applicant from independent SEPA review of a future project, if that project is over SEPA thresholds. In most circumstances, the review for the total proposal must be completed before any permits can be issued. The more complete the information provided, the faster the review of the project can be conducted. If the information submitted is incomplete or if additional information is needed to make an accurate analysis of the environmental impacts of a project, the applicant will be required to furnish further information. Contact a SIP project manager for more information on these requirements.

2.12.3 Transportation Impact Analysis

A SEPA review may result in transportation mitigation measures consistent with SEPA policies such as full or partial contributions to transportation system improvements, such as new or upgraded traffic signals or roadway modifications.

As part of the environmental review process, transportation impact analyses (TIA) or parking demand studies may be required to document a project's transportation or parking impacts. A TIA typically estimates traffic volumes that a proposed project would generate, and compares the operating conditions of nearby intersections or roadway segments with and without the additional traffic. A TIA may also estimate potential traffic queues, examine any outstanding safety issues, and assess the impact of the project on transit, pedestrian, and bicycle facilities.

Projects may also be required to demonstrate that they satisfy transportation concurrency requirements

established under the Washington State Growth Management Act. The City of Seattle uses a screenline approach to track transportation concurrency. Under this approach, a transportation analysis estimates the auto trips generated by the project that will cross one or more screenlines near the project site. Project volumes plus background traffic volumes for a screenline are compared to the established capacity for the screenline. Refer to the [Comprehensive Plan, Transportation Element](#) for additional information on level of service standards and screenlines.

2.12.4 Hazardous Materials Analysis

The Environmental Elements, Environmental Health sections of the SEPA checklist require the disclosure of any environmental releases or potential releases to the environment affecting public health. This disclosure would be noted in Section B-7a of this form. These would include any toxic or hazardous materials that may be caused by, or encountered during a proposed project. This includes contamination of private property and potential migration into the street right-of-way. This section of the checklist should summarize any analyses that have been completed, evidence of past contamination, or reports' indicating the site has been contaminated. Phase I and/or Phase II Environmental Site Assessments, property record searches, communications with the Washington State Department of Ecology, and cleanup action reports. These documents should accompany the checklist. Similarly, a section on environmental health should be included in an EIS and be accompanied by similar evaluations.

For more information on SEPA contact a SIP Project Manager.