



Director's Rule 9-2003

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 4	Supersedes: 27-88 7-2003
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Subject: Exemption from Shoreline Program Permit Requirements	Code and Section Reference: Land Use Code Sections 23.60.020 and 23.60.936	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Shorelines – Procedural Requirements	Approved	Date
	<u>(signature on file)</u> Diane M. Sugimura, Director	<u>6/27/03</u>

Subsection 23.60.020A of the Seattle Shoreline Master Program establishes the following requirement for a substantial development permit:

No substantial development shall be undertaken in the Shoreline District without first obtaining a substantial development permit from the Director. A substantial development permit shall not be required where the Director determines that a development proposed on the shorelines is not a "substantial development" as defined in this Chapter.

Section 23.60.936 defines a substantial development in part as follows:

Any development of which the total cost or fair market value exceeds five thousand dollars (\$5,000) or any development which materially interferes with the normal

public use of the water or shorelines of the City, except that the following shall not be considered substantial developments for the purposes of this subtitle:

A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

B. Construction of the normal protective bulkhead common to single-family residences.

For purposes of clarifying the criteria for exemption from a substantial development permit stated in Section 23.60.936, the following shall apply:

1. Safety improvements, maintenance and repair, and tree planting on existing roadways; and maintenance, repair, and upgrading of existing underground utilities in streets.

RULE

A substantial development permit shall not be required for safety improvements to existing roadways, including traffic signals, overhead lighting, median barriers, and left turn lanes. Street tree plantings shall also be exempt from the permit requirements. Normal maintenance or repair of dedicated streets open to public travel, including improvement of existing underground pipes, conduits, etc., for public utilities, including hydrants and similar accessories above ground, shall not require a substantial development permit.

This provision is limited to the upgrading of existing roadways and/or utilities. It does not apply to the establishment of new roadways and/or utilities.

REASON

Safety improvements and repair of utilities in existing roadways are normal maintenance work. Such work shall be exempt from the requirement of a substantial development permit, as long as it is within the existing roadways.

The planting of street trees is consistent with the goals of the Shoreline Master Program to protect and enhance the natural character and resources of the Shoreline District. It is reasonable to exempt street tree planting within existing roadways.

2. Maintenance and repair of existing pilings, piers and bulkheads.

RULE

Pilings, piers and bulkheads may be repaired without a substantial development permit. The materials used in the replacement or repair of damaged structures need not be the same as those used in the original construction, but there must be no change in size or configuration of the structures.

REASON

Regular maintenance of existing pilings, piers and bulkheads is necessary to protect the shoreline and shoreline structures from erosion, and should be permitted without a substantial development permit if no change in the size or configuration of the structures is involved.

3. Maintenance dredging.

RULE

Dredging, in any quantity, to a depth that has previously existed, is permitted as maintenance dredging without a substantial development permit. Verification of the previously existed depth is required to qualify for the exemption.

REASON

Maintenance dredging is legitimate and necessary to ensure the safe use of navigable channels and submerged shorelines.

4. Temporary floating repair structures.

RULE

A shoreline substantial development permit shall not be required for the temporary (three months or less) moorage of a drydock, workfloat, or floating boat paint shed when used for the repair or construction of boats, ships or vessels, and moored at a site or facility with a legally established use of boat or ship repair or construction. The exemption shall apply only to the floating repair structure, not to any pilings, dolphins, piers or other structures necessary for the safe moorage of the repair structure. Temporary moorage at a site where the use is not established would not be exempt.

The location of a floating repair structure for more than three months at the same site shall require a substantial development permit. Movement of the repair structure from one location to another within a site or facility is allowed but the total time of the structure at the site shall not extend the three-month exemption.

REASON

The temporary use of a floating repair structure is assumed to be directly related to the "operation of boats, ships and other vessels designed and used for navigation," which is an activity exempt from the Seattle Shoreline Master Program regulation by Section 23.60.018. However, the use of a floating repair structure for more than three months is assumed to be related to the activity of the ship repair/construction facility rather than the ships or boats being repaired. Therefore, the location of a drydock, repair float, or floating paint shed for more than three months falls in the category of "placing of obstructions" (Section 23.60.908), and, shall require a substantial development permit.

The repair and construction of ships and boats may cause adverse impacts to the environment through noise, dust, and discharge to the water body of paint chips and construction material. The Shoreline Management Act of 1971 (RCW 90.58.020) states that:

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Therefore, exemption for floating repair structures can only be permitted at sites where the use has already been established and the impacts of ship construction and repair on the environment and the public use of the shoreline have been evaluated through previous permits.

5. Change of use, interior remodeling, and façade modifications.

RULE

Generally, a change of use that does not involve development exceeding the value established by Section 23.60.936 does not require a substantial development permit. The interior remodeling of structures does not require a substantial development permit, regardless of its cost. Exterior alterations to a structure or site, such as a parking expansion, changed signage, or building modifications that cost more than the limit established by Section 23.60.936 shall require a substantial development permit, unless otherwise exempted.

Minor modification of a façade, such as replacing windows, altering the size of an existing doorway, or changing the type of siding material, that do not change the existing building lines shall be considered normal maintenance and repair activities and shall not require a substantial development permit. Structural modifications within existing building lines that go beyond the scope of normal maintenance or repair or materially interfere with the normal public use of the water or shorelines of the City shall require a substantial development permit.

REASON

A change of use, or minor modifications to a façade which only involve a minimal cost, are minor in nature and in impact. Interior renovations, regardless of their cost, that do not involve a change of use, are not visible from the outside of the structure and therefore do not have any impacts on the shoreline, adjoining properties, or the Shoreline Policies.

Frequently, repair of older buildings requires the replacement of windows or doors which are not a standard size or shape, or requires slight modifications of the original structure to meet building code requirements. Although such minor changes may alter the appearance of a building somewhat, they do not significantly affect the impact of the building on the environment, and should not be considered substantial development.