

DIRECTOR'S REPORT AND RECOMMENDATION

Salvage Permitting (Amendments to Support Reuse and Recycling of Building Materials)

September 29, 2008

Introduction

The Department of Planning and Development (DPD) is proposing to amend the Land Use Code to promote the reuse and recycling of building materials. Current provisions have had the unintended consequence of hampering efforts to salvage building materials from existing structures when new development is contemplated. Waste from the demolition of buildings is a large component of the waste stream that is sent to landfills. The reuse of building materials from demolished structures and moving a house for use on another site reduces the demand on virgin resources.

In summary the proposed amendments would accomplish the following:

- Allow a demolition permit to be issued if a complete building permit application for construction of a new principal structure has been submitted, as opposed to the current requirement that the permit for a new structure or use be issued;
- Require an approved waste diversion plan that meets standards for building materials to be diverted from landfills; and
- Provide greater flexibility to relocate a structure containing dwelling units from one site to another, including to sites outside the City limits.

The proposed amendments would help implement Resolution 30990 that establishes new recycling goals for the city and provides direction on waste-reduction programs. By making it easier to reuse and recycle building materials, the City can better achieve overall waste reduction and resource conservation goals to recycle or divert from disposal 60 percent of all municipal solid waste generated in Seattle by 2010.

Background

Salvage or deconstruction is the systematic disassembly of a building in order to maximize the potential to reuse building materials first, and to recycle materials second. These activities have been regulated as demolition under a traditional demolition permit issued by DPD. Current regulations prevent DPD from issuing a demolition permit until DPD has issued a permit for a new use or structure on the lot when the existing structure contains a dwelling unit(s).

Because developers generally want to begin construction quickly after receiving their permit, many opt to demolish existing structures rather than incur the delay salvage and deconstruction will impose. Salvaging building materials is more labor and time intensive than standard demolition. Therefore, salvage and deconstruction of building materials would be more cost-effective if allowed to commence, in appropriate circumstances, while permit applications for proposed new development are under review.

The proposed amendments are intended to provide greater incentive for builders and developers to salvage reusable materials from structures. Promoting the deconstruction and salvage of

building materials from structures containing dwelling units would support the goals of Resolution 30990 and the City's overall environmental priorities, as would relocating a house for reuse elsewhere, even outside the city.

Analysis

The proposal would make three basic changes to the Land Use Code.

1. Add a deconstruction and salvage exception. A new subsection 23.40.006.C would make deconstruction and salvage of structures containing dwelling units more viable by allowing the demolition permit to be issued before DPD issues a permit for the associated project if:

- A complete building permit application for construction of a new principal structure has been submitted (rather than issued);
- Both the application for the demolition permit and the application for the new structure are exempt from review under the State Environmental Policy Act (SEPA);
- No other permit is required under Seattle Municipal Code (SMC) Titles 23 (Land Use Code) or 25 (SEPA) as a condition to issuance of the demolition permit; and
- DPD has approved a waste diversion plan.

In 1990, the City Council adopted Ordinance 115058. The ordinance added provisions, SMC Section 23.40.006, requiring an approved replacement use prior to any demolition or change of use of housing units. Unless demolition is ordered for health and safety reasons the current regulations prohibit issuance of a demolition permit for any structure containing a dwelling unit or units unless: a permit or approval has been issued to change the use of the structure or premises to a use other than non-required parking; or a permit or approval has been issued to relocate the structure to another lot within the City limits or outside the City limits (where it will continue to be used as a dwelling unit or units). The goal of these provisions is to provide some level of protection for existing housing stock while also preventing creation of vacant lots or lots occupied only by surface parking. This Section 23.40.006 has had the unintended effect of hampering efforts to deconstruct existing structure(s) and maximize the salvage of reusable building materials. The amendments would allow for deconstruction without undermining the original intent of the provisions.

A new Section 23.40.007 is proposed. Subsection 23.40.007 A would authorize DPD to define by rule the specific requirements of an acceptable waste diversion plan. These requirements would set minimum levels of building materials that must be diverted from landfills. The proposed ordinance would set parameters for DPD to follow in issuing the rule. The parameters would stipulate that the levels set by the DPD rule:

- May vary by disposal method or type of material;
- Must be established on the basis of DPD’s review of practices employed in the relevant industries in the region (these would likely include those involved in construction, demolition, and reuse and recycling);
- Must reflect DPD’s opinion of the degree of waste diversion reasonably attainable through the use of accepted industry practices; and
- May be altered as industry practices evolve.

A draft of the Director’s Rule is attached to this report as an appendix. The rule is based on a survey of programs in effect in other west coast municipalities and discussions with representatives of various associations involved in construction, demolition, or reuse and recycling. In addition to defining key terms, the proposed Director’s Rule would stipulate that the property owner or authorized representative is to demonstrate to DPD that the existing structure is to be removed in a manner such that:

- 20 percent of the building materials, by weight, are reused (excluding asphalt, brick and concrete);
- 50 percent of the remainder, by weight, will be reused, recycled or beneficially used* (excluding asphalt, brick and concrete); and
- 100 percent of asphalt, brick and concrete will be reused, recycled or beneficially used*.

* Beneficial use generally refers to the use of building materials as an ingredient in a manufacturing process, or as a substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. It can also include incinerating building materials for fuel.

The proposal would also add new subsections 23.40.007 B and C, as well as proposed amendments to Section 23.90.018, and would require applicants to demonstrate compliance with the approved waste diversion report within 90 days of issuance of their demolition permit or be subject to a penalty. The penalty for a failure to demonstrate compliance with a waste diversion plan would be calculated by converting the total square footage of a demolished structure to tons and then multiplying by the City Council’s adopted rate for refuse disposal at City recycling and disposal stations, which is currently \$130.00 per ton. The amendments to Section 23.90.018 would make violation of Section 23.40.007 B, failure to demonstrate compliance with a waste diversion plan, an enforceable civil penalty similar to other violations of Land Use Code regulations.

These requirements will help the City achieve its waste reductions goals and are reasonably attainable through the use of accepted industry practices.

2. Add flexibility to the exemption for structure relocation. A proposed amendment to Section 23.40.006.B would provide greater flexibility to relocate a structure containing dwelling units from one site to another. The current provisions provide that a demolition permit may be issued if a permit or approval has been issued to relocate an existing structure containing dwelling units to another site within the City. The proposed amendment would expand the geographic reach of that exemption beyond the City limits. Adding this amendment will improve the ability to preserve existing housing stock. The recent interest in house moving has often helped save houses of architectural or cultural significance.

3. Make clarifications. Section 23.40.006 currently refers to “housing units,” a term not defined in Title 23. The proposal would substitute the defined term “dwelling units” throughout Section 23.40.006.

Section 23.40.006 D, allowing housing units to be demolished if they have been vacant since January 1, 1974, would be removed from the Code, as this exception is no longer needed to justify demolition. The department has found no record of this provision having been used. Also, at this point, it is not anticipated that structures that have been vacant for 34 years would still be standing.

Appendix – Draft Director’s Rule

<i>DPD</i>	DRAFT Director’s Rule 22-2008
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Applicant: City of Seattle Department of Planning and Development	Page 1 of 2	Supersedes:
	Publication:	Effective:
Subject: Demolition Permit with a Waste Diversion Plan	Code and Section Reference: SMC 23.40	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Demolition, Building Materials, Deconstruction, Salvage, Waste Diversion	Approved	Date
	_____ Diane M. Sugimura, Director, DPD	

PURPOSE

Pursuant to Seattle Municipal Code (SMC) 23.40.006 C, DPD may issue a demolition permit for a structure containing a dwelling unit if:

1. a complete building permit application for construction of a new principal structure on the same lot as the structure to be demolished has been submitted to the Director;

2. the demolition permit application and the building permit application are categorically exempt from review under SMC Chapter 25.05 (the City's State Environmental Policy Act provisions);
3. the issuance of some other approval is not required by Title 23 or Title 25 as a condition to issuing the demolition permit; and
4. the Director has approved a waste diversion plan.

Pursuant to SMC 23.40.007, DPD must promulgate rules that define the requirements of an acceptable waste diversion plan. The purpose of this rule is to provide that definition.

DEFINITIONS

“Beneficial use” means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

“Building materials” means all components of the structure for which the demolition permit is sought, including (but not limited to) such material as concrete, drywall, asphalt, wood, masonry, roofing (including composition roofing), siding, metal, wire, and insulation. “Building materials” also include (but are not limited to) such discrete elements of structures as cabinets, fixtures, flooring, dimensional lumber, doors, siding, and windows.

“Recycling” or “recycle” means transforming or remanufacturing waste materials into usable or marketable materials for use other than incineration (including incineration for energy recovery) or other methods of disposal.

“Reuse” means the recovery of material for repeated use in the same form. “Reuse” includes materials that are reused at the same location as they are generated.

“Structure” means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

RULE

DPD will approve a waste diversion plan if the applicant executes the plan and submits a form supplied by DPD representing that:

1. a minimum of 20% of the building materials, by weight and excluding asphalt, brick and concrete, will be reused;
2. a minimum of 50% of the building materials, by weight and excluding asphalt, brick and concrete, will be reused, recycled or beneficially used; and
3. 100% of asphalt, brick and concrete will be reused, recycled or beneficially used.

DEMOLITION APPLICANT FORM FOR BUILDING DECONSTRUCTION

October 6, 2008

PROJECT INFORMATION

Applicant Name and contact phone #:

Project #:

Project Address:

Description of Work:

Project square footage:

Number of dwelling units:

Owner:

Name, contact address and phone of contractor or individual to be conducting salvage operation:

WASTE DIVERSION REQUIREMENTS

The structure is to be removed in a manner such that a minimum of 20% of the building materials, by weight, are salvaged for reuse and a minimum of 50% of the building materials, by weight, are reused, recycled and/or beneficially used. 100% of asphalt, brick and concrete must be diverted from the landfill and are not included in either the reuse or recycling percentages.

I understand that within 90 days of the issuance of the demolition permit I am required to submit a final waste diversion report, including all supporting receipts or other appropriate documentation, identifying the actual rates of re-used and recycled materials. _____ (initial)

WASTE DIVERSION PLAN

October 8, 2008

ASPHALT, BRICK, CONCRETE

Material	Hauler	Final Material Destination	Quantity (in tons)

REUSE

Material	Hauler	Final Material Destination	Quantity (in tons)
Total Reused			A

RECYCLING & BENEFICIAL USE

Material	Hauler	Recycling Facility / Processor	Quantity of Waste (in tons)	Facility Recycling Rate*	Quantity Recycled (Quantity x Recycling Rate)
Total Recycled					B

*Materials recycled into new products or put to a beneficial use. Materials used for Alternative Daily Cover should not be included.

WASTE

Material	Hauler	Transfer Station / Disposal Site	Quantity of Waste (in tons)
Total to Landfill			C

Total - Building Materials = A + B + C	D
TOTAL: REUSE % = A / D	E (MIN. 20%)
TOTAL: RECYCLING & BENEFICIAL USE % = B / D	F
TOTAL: REUSE + RECYCLING & BENEFICIAL USE % = E + F	(MIN. 50%)

Applicants Signature:

Date: