

Lisa Clausen

From: Public Council Inbox
Sent: Tuesday, May 25, 2010 4:47 PM
To: 'Ryan, Andrew F'
Subject: RE: May 24 City Council reconstruction.doc

Thank you for your comments to the Burien City Council. They will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

-----Original Message-----

From: Ryan, Andrew F [mailto:andrew.f.ryan@boeing.com]
Sent: Tuesday, May 25, 2010 8:03 AM
To: Public Council Inbox
Subject: May 24 City Council reconstruction.doc

Hard copy of my comments from last night's council meeting.
Thank you
Andy Ryan

CFTR: 06/07/10

5/24/2010 Comments to City Council Re limitations on residential reconstruction

**Andrew Ryan
16525 Maplewild Ave SW**

One of the reasons I stand before you so often lately is because I've had some 1st hand experience in some of the areas that the SMP would drastically affect.

Section 20.35.045 addresses reconstruction of nonconforming structures that are destroyed or damaged more than 75% of the assessed value of the structure's value

In 2001, the Nisqually earthquake damaged my house more than 75% of its structural value. Due to the house above me, it was over a year before I could get a permit, and then took another year to re-engineer and repair it. I was out for two years. We had minimal changes to the footprint and City planning and building staff were very accommodating. Essentially nothing changed except I got a new foundation.

Now let's look at that same situation under the new SMP recommendations, - and Staff, if I say anything wrong, please correct me after my three minutes are up.

Staff has said in a number of different forums that there is nothing in the new regs that stop a property owner from rebuilding, and I think I believe with that.

However let's look at all the new limitations that will impact the property owner in this situation that don't get mentioned:

75% of assessed structure value is approximately the equivalent of 35% to 50% replacement cost based on \$200 to \$300 / sq ft construction cost. Given that a large number of the structures in the area are higher end homes, with difficult access, I believe the higher cost/sq ft is more appropriate. So for effectively 1/3 to half of replacement value, the following impacts apply

20.35.045 (b) states the area between the nonconforming structure and the OHWM shall meet the vegetation conservation standards

Which is section 20.30.040 Shoreline Vegetation Conservation:
Part (j) states-vegetation plan shall include a monitoring and maintenance program that at a minimum shall require annual progress reports submitted to shoreline administrator for not less than 5 years.

Section 20.30.055 goes further in stating a potential requirement for a performance bond to guarantee the vegetation mitigation.

20.30.040 (c)ii states 75% of the buffer needs to be re-vegetated, where degraded, to mimic natural conditions, with a mix of native trees, shrubs, and groundcover

Section v provides special emphasis on the 20 foot wide area parallel and adjacent to the shoreline

Section vi outlaws grass

20.30.45 Water Quality - states that construction materials that come in continuous contact w/ surface water must be untreated wood or precast concrete. Not sure how I would have rebuilt my foundation w/ either of those.

Proposed BMC 20.30.095 Residential Development addresses new construction and exterior modifications and part (j) states that accessory structures and appurtenances are not permitted waterward of the primary structure.

This means I would have had to remove my boat house in order to rebuild my primary structure. The people on SW 172nd, in a similar situation, would have to remove their carports and cabanas. The configuration of our properties makes this requirement particularly onerous. I would say a significant number of our properties have the primary structure at the opposite end of the lot from the water.

While I would contend a boathouse is a water dependent use for recreational purposes, which is allowed, it doesn't fit the description given in the proposed code.

This is a taking of my right to use my property, and provides the opportunity for my kayaks and other boating paraphernalia to disappear w/ o my approval as did my neighbor's car the other night

So in summary, yes, I can rebuild my primary structure. But in order to do that, I have to essentially rip up my lawn (if I had one) give up use of the 20 feet along the beach, which is the only level area on my whole property, where I currently have my picnic table, fire pit, and the opportunity to sit and enjoy one of the primary benefits of living along the water.

I get to remove my boathouse, store my water toys somewhere else away from the water, plant the shoreline area w/ native plants in densities to mimic natural conditions which I'm not allowed to prune, pay for 5 years monitoring and

perhaps a performance bond. As the new native trees grow, I also lose the water views I currently enjoy.

Bottom line, I would lose all the advantages of living along the water except the right to pay higher taxes.

I find it extremely difficult to believe that a reasonable person would consider this appropriate.

Thank you

