

**DECISION OF THE
CITY OF LAKE FOREST PARK PLANNING DIRECTOR
REGARDING APPLICATION FOR A
SHORELINE SUBSTANTIAL DEVELOPMENT EXEMPTION (2020-SSD-0001)**

FINDINGS

On February 26, 2021, the applicant, Seaborn Pile Driving, on behalf of Johnny Limantzakis (the "Applicant"), applied for a Shoreline Substantial Development (SSD) permit for to replace the existing dock structure. It was later determined that based on the scope of the application, the project qualified for a Shoreline Substantial Development Exemption. The scope of the project includes demolition the existing dock and replacement of another including the removal of (18) existing dock piles, removal of (2) mooring piles, splicing of (1) existing dock pile, drive (21) new dock piles and (3) new brace piles as well as replace the existing decking with flow-thru grated decking.

LFP-SMP subsection 3.3(C)(6)(b) states that *"normal maintenance or repair of existing structures or developments"* is an action that is exempt from Shoreline Substantial Development permits. It further states that *" Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment."*

The proposed replacement structure is comparable to the original in size, shape, location, and of a reduced size as compared to the existing. The replacement is designed not to cause substantial adverse effects to shoreline resources or the environment and the design meets the required mitigation measures (see LFP-SMP 8.5 (C) (1) findings below) and dimensional requirements for an alternative design replacement dock structure by eliminating all existing in-water and overwater structures located within 30 feet of the OHWM. As a condition of approval and to satisfy the additional mitigation requirements, the project will be required to have no skirting of any kind.

LFP- SMP 8.5 (C) (1) b states *"Alternative Design - The City shall approve the following modifications to a pier replacement proposal that deviates from the dimensional standards B.3 above, subject to both U.S Army Corps of Engineer and Washington Department of Fish and Wildlife approval to an alternate project design. In addition, the following requirements and all other applicable provisions in this Chapter shall be met."* LFP-SMP 8.5 (C) (1) b-table contains the dimensional specifications required for alternative designs including:

- *"Maximum Area Requirement: No larger than existing pier."* The existing pier/dock structure is 805 square feet, and the proposed replacement structure is 686 square feet, therefore the proposed structure is of a reduced size compared to the existing;
- and where, *"Maximum Length Requirement: 26 ft. for fingers and float decking attached to a pier."* All fingers proposed with the new structure are 26 feet in length;
- and where, *"Maximum Width Requirement: 4 ft. for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways 8 ft. for ells and float decking"*

attached to a pier For piers with no ells or fingers, the most waterward 26 ft. section of the walkway may be 8 ft. wide Otherwise, the pier and all components shall meet the standards noted in B.3 above.” The width of the proposed dock is 3 feet 10 inches wide in the area within 30 feet of the OHWM, and all other walkways on the proposed structure are less than 6 feet in width. There is no float decking proposed. All other components of the structure meet the dimensional standards in LFP-SMP 8.5 (B) (3);

- and where, “Maximum Depth Requirement: No shallower than authorized through state and federal approval.’ The existing structure is located at 15 feet of depth. The proposed replacement dock structure is proposed to reach a depth of 18 feet 2 inches.

Finally, LFP- SMP 8.5 (C) (1) b. (footnote) requires that, “with submittal of a building permit, the applicant shall provide documentation that the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife have approved the alternative proposal design.” As a condition of approval, the owner will be required to obtain a building permit to perform construction related to the pier replacement. Also, as a condition of approval, the property owner or permit applicant shall provide documentation that the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife have approved the alternative proposal design.

CONCLUSIONS


The Applicant’s submittals, including written material and plans referenced in the above findings demonstrate that the proposal meets requirements to be exempt from the Substantial Development under LFP-SMP subsection 3.3(C)(6)(b) and those of SMP 8.5(C)(1)(b) provided the following conditions are complied with.

Conditions:

1. The replacement structure shall not contain skirting of any kind.
2. The permittee is required to provide documentation that the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife have approved the design prior to building permit issuance.
3. The permittee is required to apply for and be issued a building permit to perform the replacement dock construction.

DECISION

The Shoreline Substantial Development permit exemption 2020-SSD-0001 is approved. If any Finding is deemed to be a Conclusion or vice-versa, the Director adopts it as such.



Stephen Bennett, AICP
Planning Director



Date