



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003260

**Applicant Name:** Eric Hogeboom

**Address of Proposal:** 2207 Fairview Ave. E. (Houseboat #1) (KCA #145)

**SUMMARY OF PROPOSED ACTION**

Shoreline Substantial Development application to allow 129 sq. ft. of additions and alterations to an existing floating home in an environmentally critical area. Proposed structure to have 910 sq. ft. of interior space and 858 sq. ft. of deck area. (Houseboat #1) (KCA #145).

The following Master Use Permit components are required:

**Shoreline Substantial Development Permit** – for future additions and alterations to a floating home in an Urban Residential (UR) Shoreline Environment – (SMC 23.60.540)

**SEPA - Environmental Determination** - (SMC 25.05)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading or demolition or,  
involving another agency with jurisdiction.\*

**BACKGROUND DATA**

Existing Conditions

The subject site is located on Lake Union in an Urban Residential (UR) shoreline environment. The existing float area for the subject floating home is 1,554 square feet. The existing floating home is 781 square feet in living area. The 129 sq. ft. addition will increase the living area to approximately 910 sq. ft. The zoning designation of the site is Single Family 5000 (SF 5000). The proposed work would occur on the houseboat itself, which is moored on Lake Union. The

subject floating home moorage is non-conforming with the General Standards set forth for conforming floating home moorages.

### Area Development

The proposal site is part of an existing group of 14 floating home moorages. The subject floating home is the first floating home from the land to the east, and is moored in the first slip of the group (Houseboat #1) (KCA #145). The subject floating home is located on the south side of the dock, within the Seattle Construction limit line. It is bounded to the north, west and south sides by other floating homes. Over water development surrounding the subject site in Lake Union consists of floating home moorages. The subject site and the surrounding area are zoned single-family with a minimum lot size of 5000 sq. ft. (SF5000). Other development in this area consists of water-related residential uses.

### Proposal

The applicant proposes an addition of 129 sq. ft. to an existing one story floating home. The addition is to increase the floor area of the living room and dining room on the south end of the floating home and to add a powder room to the master bedroom on the north end of the floating home and a small outdoor storage area on the north end of the floating home. The project also includes an addition of a new roof deck in the southeast corner along with spiral stairs to the roof deck. The height of the subject floating home is 18 feet which is the maximum height allowed from the water surface. The proposed additions will not increase outside the boundary of the existing float.

### Public Comment

No comment letters were received during the comment period that ended May 18<sup>th</sup>, 2007. However, Metro generally recommends for floating homes, that to protect the water quality of Lake Union, materials, and construction methods should be used, which prevent toxic materials, petrochemicals, and other pollutants from entering surface water during and after construction. The least toxic wood preservatives that are appropriate for fresh water should be used. Any construction debris floating in the water shall be promptly removed.

## **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

### Substantial Development Permit Required

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: A substantial development permit shall be issued only when the development proposed is consistent with:

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

**A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW**

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58.

**B. THE REGULATIONS OF CHAPTER 23.60**

The regulations of SMC, Section 23.60.064 require that the proposed use (s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district; and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The policies support and encourage the establishment of water dependent uses. Floating homes, because of their historic role in Seattle, are designated as a water dependent use, but the increase of floating home moorages or the increase in use of the shoreline or water area by floating homes, however, is not necessarily encouraged. The intent is to recognize the existing floating home community in Lake Union, while protecting natural areas, preserving public access to the shoreline, and preventing the displacement of water dependent commercial and manufacturing uses by floating homes. Areas with substantial concentrations of existing floating homes shall be given a designation that preserves residential uses. The proposal site is located in an area designated as Urban Residential, the purpose of which is to protect residential areas in a manner consistent with the Single family and Multi-family Residential Area Policies. Therefore, the proposed project would conform to the policies of the comprehensive plan and would be consistent with the purpose of the UR designation.

## Development Standards

The proposal to construct an addition and alterations to an existing floating home on an existing float is permitted outright in SMC 23.60.540 governing the UR shoreline environment. The proposed action is therefore subject to:

1. *the general development standards for all shoreline environments (SSMP 23.60.152);*
2. *the development standards for uses in the UR environment (SSMP 23.60.540);*
3. *the development standards for nonconforming floating homes (SSMP 23.60.196); as well as*
4. *the development standards for Single Family zones (SMC 23.44).*

### 1. General Development Standards for all Shoreline Environments (SSMP 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must: 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected; 2) be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes; 3) be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion; 4) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; 5) be located, constructed, and operated so as not to be a hazard to public health and safety; and 6) dispose of all debris, overburden and other waste materials from construction in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

Additionally, general development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent degradation of land or water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. To ensure conformance with the standards in SMC 23.60.157, the proponent will be required to notify contractors and subcontractors of these requirements.

### 2. Development Standards for UR Shoreline Environments (SSMP 23.60.570)

The development standards set forth in the Urban Residential Shoreline Environment relate to height, lot coverage, view corridors and public access. The subject site, however, is non-conforming and therefore subject to the development standards set forth in the specific floating home standards for non-conforming structures as described below:

#### Development Standards for Non-conforming Floating Home Moorages (SSMP 23.60.196)

There are two sets of development standards for floating homes; conforming and non-conforming moorages. The subject moorage is non-conforming. The remodeling, replacement,

or rebuilding of a non-conforming floating home moorage is permitted subject to the provisions set forth in SMC 23.60.196 C. The floating home moorage is located on privately-owned premises (SMC 23.60.196 A2). The existing views of the water from other moorage tenants will not be blocked (SMC 23.60.196.A3). This floating home moorage site is considered pre-existing for the purposes of the Seattle Shoreline Master Program because it has an assigned King County Assessor's (KCA) number (*KCA #145*). The KCA established it as a pre-existing use at the established moorage in Lake Union as of the effective date of Chapter (SMC 23.60.196.A4). A moorage plan was submitted with this application and is on file with the Department of Planning and Development (SMC 23.60.196 A6).

**Nonconforming Floating Home Requirements:**

	<b>Code Provision</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Float Area</b>	23.60.196.C1.a	Float area shall not be increased.	1,554 sq. ft	1,554 sq. ft.
<b>Height</b>	23.60.196.C1.b	18 feet max height from water level	18 feet	18 feet
<b>Setback</b>	23.60.196.C1.c	6 feet min distance between subject home and adjacent walls	18 feet 2 inches between home and adjacent wall to the west	18 feet 2 inches between home and adjacent wall to the west
<b>Setback</b>	23.60.196.C1.d	3 feet min. distance between subject wall and site line	Existing 5 foot distance between subject wall and nearest site line	Existing 5 foot distance between subject wall and nearest site line
<b>Open Water</b>	23.60.196.C1.e	No part of home may be further extended over water, beyond float edge.	No portion of the proposed structure extends beyond float edge.	No portion of the proposed structure extends beyond float edge.
<b>Accessory Float</b>	23.60.196.C1.f	none	none	none
<b>View Corridor</b>	23.60.196.C1.g	Cannot increase view corridor non-conformity	Cannot increase view corridor non-conforming float.	Will not increase view corridor non-conforming float.

The applicant proposes additions and alterations to existing floating home using existing float. The project consists of an increase to the floor area of the living room and dining room on the south end of the floating home and the addition of a powder room to the master bedroom on the north end of the floating home and a small outdoor storage area on the north end of the floating home. The project also includes an addition of a new roof deck in the southeast corner along with spiral stairs to the roof deck. These additions will increase the living area of the existing floating home from 781 square feet to 910 square feet. The proposed additions will not increase

outside the boundary of the existing float, thereby not increasing the overall coverage for the moorage dock. No additional over water coverage is proposed for this floating home and no part of the floating home will be extended further over water beyond the size of the existing float. All of the proposed setbacks from the adjacent walls and floats satisfy the standards for the non-conforming floating home structures.

The proposed project is consistent with the development standards for non-conforming structures in the UR shoreline environment and does not increase the extent of non-conformity. Therefore, the proposed project is consistent with the standards for the UR shoreline environment.

### **C. THE PROVISIONS OF CHAPTER 173-27 WAC**

Chapter 173-27 of the WAC, sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

#### **Summary**

In conclusion, no additional adverse impacts to the lake bed or water quality are expected, and the proposed remodel of the existing floating home (Houseboat) at this moorage site, will be consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP).

### **DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this report.

#### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 31<sup>st</sup>, 2007. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Bulk and Scale

The proposed total height of the existing one story floating home is 18 feet, which is the maximum height allowed from the water surface. There is adequate separation between the floating home and the floating homes to the north and west, so solar access to those sites will not be obstructed. The appearance of bulk of the floating home will be reduced by design elements incorporated into the structure. There are a number of existing homes in the vicinity of a similar size and scale as the proposal. For these reasons, the proposed floating home at KCA #145 will not be out of scale with other floating homes in the vicinity, and no adverse impacts are expected related to bulk and scale.

Underwater Habitat

No disturbance of the lake bed sediments is expected since all work will be done above water and there will be no increase in over-water coverage. There is potential for debris to enter the water during construction, so conditions that ensure that debris or toxic material does not enter the water will be part of the decision. In conjunction with the authority authorized in SMC 25.05.675 B Construction Impacts, the general recommendations from Metro shall also be followed as conditioned below.

**DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**SEPA AND SHORELINE CONDITIONS**

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

Prior to Issuance of a Construction Permit

1. A best managements plans (BMPs) document shall be developed and approved by a land use planner. The BMP document shall include:
  - a) A written description of the BMPS that will be used during the proposed work.

- b) An emergency containment procedure for all toxic material that will be kept on site.
- c) The requirement that all necessary equipment for containment and clean-up of this toxic material shall be stocked on the site and
- d) The requirement that personnel working at the site shall be trained in the proper implementation of this plan.
- e) Equipment for the transportation, storage, handling and application of oil, chemicals, or other hazardous materials shall be maintained in a safe and leak-proof condition to prevent release of this material into the water. The conditions of this equipment shall be checked regularly for leaks and repaired as needed.

During Construction

2. In order to further mitigate the noise impacts during demolition and construction, the owner(s) and/or responsible party(s) shall limit the hours of demolition and construction to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise interior work after the shells of the structure are enclosed. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.
3. The owner(s), builder(s), or responsible party(s) shall follow the BMPs developed to prevent debris and other deleterious material from entering the water during demolition and construction.
  - a. If floating debris enters the water during the proposed work this debris shall be removed immediately and stored until it can be disposed of at an appropriate upland facility.
  - b. If heavy (sinking) debris enters the water during the proposed work the location of the debris shall be documented in a log that is kept on site for the duration of the construction work. When construction is complete a diver shall retrieve all debris that has entered the water and sunk during the proposed work.
4. Equipment using oil, gasoline, or diesel used on site, shall be checked daily for evidence of leakage, if evidence of leakage is found, further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected

Signature: \_\_\_\_\_ (signature on file) Date: October 8, 2007  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development

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