



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3023807
Applicant Name: Bruce, Donnally
Address of Proposal: 2031 Fairview Ave E

SUMMARY OF PROPOSAL

Shoreline Substantial Development Application to demolish an existing one-story floating home and construct a two-story, 1,324 sq. ft. floating home (Float C).

The following approvals are required:

Shoreline Substantial Development - Seattle Municipal Code 23.60A)

SEPA – Environmental Determination - (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-Significance

- No mitigating conditions of approval are imposed
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Site Zone: SF 5000

Nearby Zones: North: SF 5000
South: SF 5000
East: LR2 RC
West: SF 5000

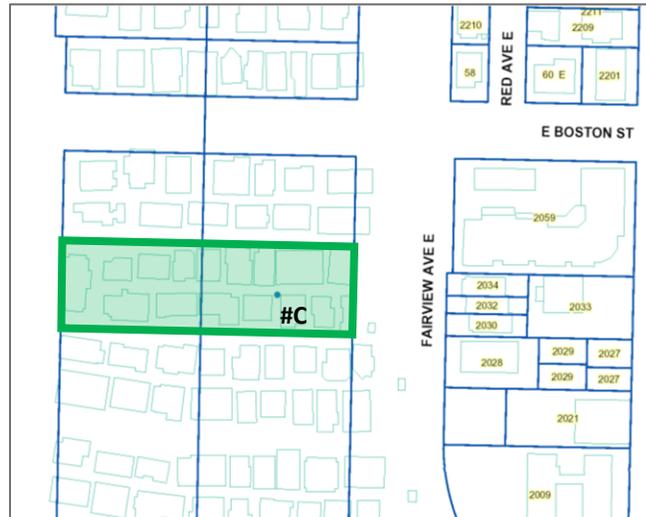
Total Float Area: 1,102.3 sq. ft.

Overlay: Shoreline - Urban Residential

ECA: None

Existing Conditions:

The proposal site is a floating home moorage located at slip C, at 2031 Fairview Ave E. The site, is approximately 1,084 square feet which includes a houseboat with float and deck. The floating home is a one-story structure, which is approximately 9 feet 8 inches in height above the water's surface and occupies an area of 729 square feet on the float.



A shared wooden walkway serving this as well as 16 other moorage slips extends westward from the dry land where accessory parking is located. Located to the west and east sides of the project are moorage slips (D & B) which are occupied by two-story floating home structures. Located across the walkway directly to the south are two-story floating homes moored at slips N, O, and P from left to right.

PUBLIC COMMENT

The public comment period ended on June 7, 2016. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to the effect of artificial lighting on juvenile salmon and the presence of endangered fish species in Lake Union.

I. ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60A.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:”

1. *Is consistent with the policies and procedures of RCW 90.58.020;*
2. *Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;*
3. *Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and*
4. *If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.*

1. Is consistent with the policies and procedures of RCW 90.58.020;

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 seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines 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. Construction of the new 2-story single-family residence will result in no direct impacts to the nearby Lake Union as a result of using appropriate Best Management Practices during construction for protection of the aquatic habitat, and therefore will not adversely impact the state-wide interest of protecting the resources and ecology of the shoreline. The subject application is consistent with the procedures outlined in RCW [90.58](#).

2. Is not prohibited in any shoreline environment, underlying zone and overlay district in which it would be located;

The proposed project, New Floating home is a permitted use in the Urban Residential Environment (SMC 23.60A.540.C). Per SMC subsection 23.44.006. Floating Homes are permitted outright in single-family zones subject to the requirements of Chapter 23.60A.202

3. Meets the standards in this Chapter 23.60A and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted;

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 ensuring 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 [23.60A](#) that also incorporates the provisions of Chapter [173-27](#), WAC. [Title 23](#) of the Municipal Code is also referred to as the Land Use and Zoning Code. 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 which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use and subsequent development meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle [Comprehensive Plan](#), and the purpose and location criteria for each shoreline environment must be considered and this project with its upland location was found to comply. The purpose of the UR Environment (SMC 23.60A.220.D.11) is to provide for single-family residential development and accessory structures, while protecting ecological functions. A proposal must also be consistent with the general development standards of SMC [23.60A.152](#), the specific standards of the shoreline environment (SMC 23.60A.540.C) and underlying zoning designation, which is discussed below.
[SMC 23.60A.152](#) - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. Compliance with applicable codes and ordinances for construction of the project (e.g., Building Code, Stormwater Code) will reduce or eliminate most potential adverse long-term impacts to the shoreline environment. The applicant will implement Best Management Practices during development to ensure, in part, protection of water quality and potential adverse impacts to the shoreline environment and nearby Lake Union during construction.

Standards for UR Environment.

The subject property is classified as a water front lot and located within an Urban Residential (UR) Environment, as designated by the Seattle Shoreline Master Program. Pursuant to SMC 23.60A.540.3.C, in which new floating homes and floating home moorages are prohibited except as provided in Section 23.60A.202; which states that Floating homes are allowed if they meet the standards in subsections 23.60A.202.A.1.a and 23.60A.202.A.1.b. The project has been reviewed by Seattle DCI staff and found to be consistent with all applicable use and development standards such as height, lot coverage, and view corridor.

- 4. If the development, shoreline modification, or use requires a special use approval, shoreline conditional use permit, or shoreline variance permit, the project meets the criteria for the same established in Sections 23.60A.032, 23.60A.034, or 23.60A.036, respectively.**

The proposed project does not require special use approval, a shoreline conditional use permit or a shoreline variance permit.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

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

Conclusion

SMC Section [23.60A.063](#) provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter [23.60A](#), and with RCW [90.58.020](#) (State policy and legislative findings). The project as proposed meets the specific standards for development in the Urban Residential environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

Therefore as conditioned below, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

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

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on April 28, 2016. The Seattle Department of Construction and Inspections and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, construction traffic and parking impacts, greenhouse gas, environmental health, as well as mitigation.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.A.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. E. Lynn St and Fairview Ave E are SEPA Scenic Routes. The floating home will be located close to the lake level, lower than upland lots, and surrounded by other floating homes.

The proposed development is located in a manner that maintains a view of Lake Union along E. Lynn St and Fairview Ave E. The proposed development does not block views of any nearby historic landmarks. Mitigation is therefore not warranted under SMC 25.05.675.P.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT

Prior to Issuance of a Demolition or Construction Permit

1. The applicant shall provide plans that incorporate acceptable Best Management Practices that include but not limited to the following:
 - a. Install and maintain a silt curtain/sediment control fence at the edge of the parking area and filter fabric over existing drainage intakes to minimize the amount of sediment introduced into Lake Union.

- b. Surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water, and
- c. Dispose of all construction debris in an appropriate upland facility.

During Construction

2. The owner(s), builder(s), or responsible party(s) shall follow a Best Management Practices and the Emergency Containment plan developed to prevent debris and other deleterious material from entering the water during construction.
3. 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.

CONDITIONS – SEPA

None

David Landry, AICP, Land Use Planner
Seattle Department of Construction and Inspections

Date: September 1, 2016

DL:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.