Chapter 23.60 - SHORELINE DISTRICT

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Subchapter I - Purpose and Policies

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23.60.002 - Title and purpose.

A. Title. This chapter shall be known as the "Seattle Shoreline Master Program."

B. Purpose. It is the purpose of this chapter to implement the policy and provisions of the Shoreline Management Act and the Shoreline Goals and Policies of the Seattle Comprehensive Plan by regulating development of the shorelines of the City in order to:

1. Protect the ecosystems of the shoreline areas;

2. Encourage water-dependent uses;

3. Provide for maximum public use and enjoyment of the shorelines of the City; and

4. Preserve, enhance and increase views of the water and access to the water.

(Ord. 118793 § 1, 1997; Ord. 118408 § 4, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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23.60.004 - Shoreline goals and policies.

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's Comprehensive Plan. The Shoreline Goals and Policies and the purpose and location criteria for each shoreline environment designation contained in SMC Section 23.60.220 shall be considered in making all discretionary decisions in the Shoreline District and in making discretionary decisions on lands adjacent to the shoreline where the intent of the Land Use Code is a criterion and the proposal may have an adverse impact on the Shoreline District. They shall also be considered by the Director in the promulgation of rules and interpretation decisions. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions.

(Ord. 118408 § 5, 1996: Ord. 113466 § 2(part), 1987.)

Subchapter II - Administration

Part 1 Compliance

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23.60.010 - Shoreline District established.

A. There is established the Shoreline District which shall include all shorelines of the City, the

boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.

B. All property located within the Shoreline District shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by this chapter except as provided in Section 23.60.014.

(Ord. 113466 § 2(part), 1987.)

23.60.012 - Liberal construction.

This chapter shall be exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act. This chapter shall not be used when construing other chapters of this title except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

(Ord. 118793 § 2, 1997: Ord. 118408 § 6, 1996: Ord. 113466 § 2(part), 1987.)

23.60.014 - Regulations supplemental.

The regulations of this chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this chapter supplement other regulations of this title in the following manner

A. Uses. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.

B. Development Standards.

1. A development in the Shoreline District shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zoning, the shoreline regulations shall apply, except as provided in this subsection B.

2. The height permitted in the Shoreline District shall be the lower of the heights permitted by the applicable shoreline environment and the underlying zone, except in the Urban Harborfront (UH) Environment where the shoreline height limits shall control.

3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether or not the maximum height and lot coverage permitted in the shoreline environment can be achieved.

4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.

5. Development standards for which there are regulations in the underlying zoning but not in this chapter shall apply to developments in the Shoreline District. Such standards include but shall

not be limited to parking, open space, street-level location, facade treatments, building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict between a shoreline regulation and a requirement of the underlying zoning, the shoreline regulation shall apply, unless otherwise provided in subsections B2 and B3 above.

6. Measurements in the Shoreline District shall be as regulated in this chapter, Subchapter XVII, Measurements.

7. Lake Union construction limit line.

a. Established. There is established along the shores of Lake Union and waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle Construction Limit Line, formerly designated on Exhibit "A" of SMC Section 24.82.010 which this subsection replaces, shall be superimposed upon and modify the Official Land Use Map of The City of Seattle, as established in Chapter 23.32.

b. Unlawful Construction-Exceptions. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the Lake Union Construction Limit Line established in subsection 23.60.014 B7a except such buildings or structures as are expressly authorized by the laws of the United States or State of Washington; provided, any residential structure located in whole or in part outside the construction limit line prior to December 18, 1968 shall be permitted as a lawful, nonconforming structure as long as the same is not extended, expanded or structurally altered.

C. Standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply.

(Ord. 117571 § 1, 1995; Ord. 116325 § 1, 1992; Ord. 113466 § 2(part), 1987.)

23.60.016 - Inconsistent development prohibited.

No development shall be undertaken and no use, including a use that is located on a vessel, shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act and the regulations of this chapter. This restriction shall apply even if no substantial development permit is required.

(Ord. 120866 § 1, 2003; Ord. 118793 § 3, 1997: Ord. 113466 § 2(part), 1987.)

23.60.018 - Nonregulated actions.

Except as specifically provided otherwise, the regulations of this chapter shall not apply to the operation of boats, ships and other vessels designed and used for navigation; nor to the vacation and closure, removal or demolition of buildings found by the Director to be unfit for human habitation pursuant to the Seattle Housing Code;[1] nor to correction of conditions found by the Director to be in violation of the minimum standards of Chapters 22.200, et seq., of the Seattle Housing Code; nor to the demolition of a structure pursuant to an ordinance declaring it to be a public nuisance and providing for summary abatement. None of these actions shall constitute a development requiring a permit.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

1. Editor's Note: The Seattle Housing Code is set out at Subtitle II of Title 22 of this Code.

23.60.020 - Substantial development permit required.

A. No development, except for those listed in subsection C of this section below, shall be undertaken in the Shoreline District without first obtaining a substantial development permit from the Director. "Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars ($2,500) or any development which materially interferes with the normal public use of the water or shorelines of the City.

B. Application and Interpretation of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process.

2. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or provisions of this chapter, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the Seattle Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this chapter or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this chapter, such development or use can only be authorized by approval of a variance.

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

5. The Director may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this chapter.

C. Exemptions. The following developments or activities shall not be considered substantial development and are exempt from obtaining a substantial development permit from the Director.

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. 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;

2. Construction of the normal protective bulkhead common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife;

3. Emergency construction necessary to protect property from damage by the elements. An emergency means an unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or these regulations shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities;

5. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;

6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence, including those structures and developments within a contiguous ownership which are a normal appurtenance, for his or her own use or for the use of his or her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the City other than requirements imposed pursuant to this chapter. A normal appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include, but are not limited to, a garage, deck, driveway, utilities, fences,

installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark;

7. Construction of a pier accessory to residential structures, including a community pier, designed for pleasure craft only, for the private noncommercial use of the owners, lessee or contract purchaser of a single-family or multifamily residence. This exception applies if either:

a. In salt waters, which include Puget Sound and all associated bays and inlets, the fair market value of the pier accessory to residential structures does not exceed Two Thousand Five Hundred Dollars ($2,500), or

b. In fresh waters, the fair market value of the pier accessory to residential structures does not exceed Ten Thousand Dollars ($10,000), but if subsequent construction having a fair market value exceeding Two Thousand Five Hundred Dollars ($2,500) occurs within five (5) years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

9. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;

11. Demolition of structures, except where the Director determines that such demolition will have a major impact upon the character upon of the shoreline;

12. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW;

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters,

b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values,

c. The activity does not involve the installation of any structure, and upon the completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity,

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to The City of Seattle to ensure that the site will be restored to preexisting conditions, and

e. The activity is not subject to the permit requirements of RCW 90.58.550;

14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, and regulated in Section 23.60.210 C of this chapter;

15. Watershed restoration projects that implement a watershed restoration plan. The City of Seattle shall review the projects for consistency with its Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section;

16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the State Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the purpose,

b. The project has received hydraulic project approval by the State Department of Fish and Wildlife pursuant to Chapter 75.20 RCW, and

c. The project is consistent with the City's Shoreline Master Program. This determination shall be made in a timely manner and provided to the project proponent in writing; and

17. Hazardous substance remedial actions. The procedural requirements of Chapter 90.58 RCW shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to Chapter 70.105D RCW or to the State Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW. The State Department of Ecology shall, in conjunction with The City of Seattle, assure that such projects comply with the substantive requirements of Chapter 90.58 RCW and the Seattle Shoreline Master Program.

D. Developments proposed in the Shoreline District may require permits from other governmental agencies.

(Ord. 118793 § 4, 1997: Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

23.60.022 - Application when development partly out of Shoreline District.

A. The use and development standards of this chapter apply only to that part of the development that occurs within the Shoreline District unless the underlying zoning requires the entire development to comply with all or part of this chapter.

B. Where a substantial development is proposed that would be partly within and partly without the Shoreline District, a shoreline substantial development permit is required for the entire development, except that a shoreline substantial development permit is not required for those portions of a linear transportation use such as light rail tracks, track support structure or tunnels that are outside the Shoreline District. A shoreline substantial development permit also is not required for discrete facilities, such as stations, that are wholly outside the Shoreline District.

C. The use and development standards including measurement techniques for that portion of the

development outside of the Shoreline District shall be as provided by the underlying zoning.

(Ord. 122448, § 1, 2007; Ord. 122198, § 2, 2007; Ord. 113466 § 2(part), 1987.)

23.60.023 - Intermittent and temporary uses for light rail construction.

The Director may grant, deny or condition applications for intermittent or temporary uses not meeting development standards in the Shoreline District for light rail transit facility construction if the use complies with the standards of subsection 23.42.040 F and this section.

A. In addition to complying with the site restoration requirements of subsection 23.42.040 F 4 the Director may require the restoration plan to include:

1. Native vegetation in the landscape plan.

2. Mitigation of impacts to fish and wildlife as a result of stormwater runoff from the site.

3. No increase in impervious surface from the site condition prior to the intermittent or temporary use.

(Ord. 122198, § 3, 2007.)

23.60.024 - Development of lots split into two or more shoreline environments.

If a shoreline lot is split by a shoreline environment boundary line, each portion of the lot shall be regulated by the shoreline environment covering that portion. Where the lot coverage requirements differ for portions of the lot governed by different environments the lot coverage restrictions must be met on each separate portion of the lot.

(Ord. 113466 § 2(part), 1987.)

23.60.026 - Phasing of developments.

A. Unless specifically stated otherwise in a shoreline substantial development permit, the following development components when required shall be completed no later than final inspection of the development by the Director:

1. Regulated public access and landscaping;

2. Piers, floats, barge facilities or over-water elements of a water-related development; and

3. The water-dependent components of a mixed water-dependent and non-water-dependent development.

B. The Director may require that components of developments in addition to those listed in subsection A above be completed before final inspection of a portion of a development or at another time during construction if the timing is necessary to ensure compliance with the intent of the Shoreline Master Program as stated in the Shoreline Policies.

(Ord. 113466 § 2(part), 1987.)

Part 2 Criteria for Application Review

23.60.030 - Criteria for substantial development permits.

A. A substantial development permit shall be granted only when the development proposed is consistent with

1. The policies and procedures of Chapter 90.58 RCW;

2. The regulations of this chapter; and

3. The provisions of Chapter 173-27 WAC.

B. 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.

(Ord. 118793 § 5, 1997: Ord. 113466 § 2(part), 1987.)

23.60.032 - Criteria for special use approvals.

Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

B. That the proposed use will not interfere with the normal public use of public shorelines;

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

E. That the public interest suffers no substantial detrimental effect.

(Ord. 113466 § 2(part), 1987.)

23.60.034 - Criteria for shoreline conditional use approvals.

Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.

(Ord. 118793 § 6, 1997: Ord. 113466 § 2(part), 1987)

23.60.036 - Criteria for shoreline variances.

In specific cases the Director with approval of DOE may authorize variances from certain requirements

of this chapter if the request complies with WAC 173-27-170, as now constituted or hereafter amended.

(Ord. 118793 § 7, 1997: Ord. 113466 § 2(part), 1987.)

23.60.038 - Criteria for Council conditional use approvals.

Uses which are identified in this chapter as requiring Council conditional use approval may be approved only if the use as conditioned meets the criteria set forth for each Council conditional use in the applicable environment, and any additional criteria given in this chapter.

(Ord. 113466 § 2(part), 1987.)

Part 3 Procedures

23.60.060 - Procedures for shoreline environment redesignations.

A. Shoreline environment designations may be amended according to the procedure provided for land use map amendments in Chapter 23.76. A shoreline environment redesignation is a Shoreline Master Program amendment which must be approved by the State Department of Ecology (DOE) according to State procedures before it becomes effective.

B. A request for a shoreline environment redesignation is considered a rezone, a Council land use decision subject to the provisions of Chapter 23.76, and shall be evaluated against the following criteria:

1. The Shoreline Management Act. The proposed redesignation shall be consistent with the intent and purpose of the Shoreline Management Act (RCW 90.58) and with Department of Ecology Guidelines (WAC 173-16).

2. Shorelines of Statewide Significance. If the area is within a shoreline of statewide significance the redesignation shall be consistent with the preferences for shorelines of statewide significance as given in RCW 90.58.020.

3. Comprehensive Plan Shoreline Area Objectives. In order to ensure that the intent of the Seattle Shoreline Master Program is met the proposed redesignation shall be consistent with the Comprehensive Plan Shoreline Area Objectives in which the proposed redesignation is located.

4. Harbor Areas. If the area proposed for a shoreline designation change is within or adjacent to a harbor area, the impact of the redesignation on the purpose and intent of harbor areas as given in Articles XV and XVII of the State Constitution shall be considered.

5. Consistency with Underlying Zoning. The proposed redesignation shall be consistent with the appropriate rezone evaluation criteria for the underlying zoning in Chapter 23.34 of the Land Use Code unless overriding shoreline considerations exist.

6. Rezone Evaluation. The proposed redesignation shall comply with the rezone evaluation provisions in Section 23.34.007.

7. General Rezone Criteria. The proposed redesignation shall meet the general rezone standards in Section 23.34.008, subsections B through J.

(Ord. 120691 § 18, 2001; Ord. 118793 § 8, 1997; Ord. 118408 § 7, 1996; Ord. 113466 § 2(part), 1987.)

23.60.062 - Procedures for obtaining exemptions from substantial development permit requirements.

A determination that a development exempt from the requirement for a substantial development permit is consistent with the regulations of this chapter, as required by Section 23.60.016, shall be made by the Director as follows:

A. If the development requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization.

B. If the development requires a Section 10 Permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the determination of consistency shall be made at the time of review of the Public Notice from the Corps of Engineers, and a Letter of Exemption as specified in WAC 173-27-050 shall be issued if the development is consistent.

C. If the development does not require other authorizations, information of sufficient detail for a determination of consistency shall be submitted to the Department and the determination of consistency shall be made prior to any construction.

(Ord. 118793 § 9, 1997; Ord. 113466 § 2(part), 1987.)

23.60.064 - Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.

A. Procedures for application, notice of application and notice of decision for a shoreline substantial development permit, shoreline variance permit or shoreline conditional use permit shall be as required for a Master Use Permit in Chapter 23.76.

B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable criteria shall be on the applicant. The applicant may be required to submit information or data, in addition to that routinely required with permit applications, sufficient to enable the Director to evaluate the proposed development or use or to prepare any necessary environmental documents.

C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;

2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and

3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032, respectively.

D. If the development or use is a permitted use and meets all the applicable criteria and standards, or

if it can be conditioned to meet the applicable criteria and standards, the Director shall grant the permit or authorization. If the development or use is not a permitted use or cannot be conditioned to meet the applicable criteria and standards, then the Director shall deny the permit.

E. In addition to other requirements provided in this chapter, the Director may attach to the permit or authorization any conditions necessary to carry out the spirit and purpose of and assure compliance with this chapter and RCW 90.58.020. Such conditions may include changes in the location, design, and operating characteristics of the development or use. Performance bonds not to exceed a term of five years may be required to ensure compliance with the conditions.

F. Nothing in this section shall be construed to limit the Director's authority to condition or deny a project pursuant to the State Environmental Policy Act.

(Ord. 113466 § 2(part), 1987.)

23.60.065 - Procedure for limited utility extensions and bulkheads.

As required by WAC 173-27-120, an application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that the following time periods and procedures shall be used:

A. The public comment period shall be twenty (20) days. The notice provided shall state the manner in which the public may obtain a copy of the decision on the application no later than two (2) days following its issuance;

B. The decision to grant or deny the permit shall be issued within twenty-one (21) days of the last day of the comment period specified in subsection A of this section above; and

C. If there is an appeal of the decision to grant or deny the permit to the Hearing Examiner, the appeal shall be finally determined within thirty (30) days.

(Ord. 118793 § 10, 1997.)

23.60.066 - Procedure for determination of feasible or reasonable alternative locations.

A. Plan Shoreline Permits.

1. When a use or development is identified in subsection F of this section as being permitted in the Shoreline District only after a determination that no reasonable or feasible alternative exists, the determination as to whether such alternative exists may be made as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This determination shall be referred to as the "Plan Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or reasonable location decision and determining conditions appropriate to that decision.

2. The process may be used upon a determination by the Director that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one (1) shoreline site.

3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with

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accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits.

1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate nonshoreline alternative(s) identified by the applicant or the Director.

2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the nonshoreline alternative(s), according to the state and local SEPA guidelines.

3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-27-180 and this title. The application shall include information on the overall system which outlines the interrelationship of shoreline and nonshoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the nonshoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G of this section.

C. Type of Decision.

1. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76. The decision on a Plan Shoreline Permit for utility lines and utility service uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.

2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76.

D. Appeal of Decision. The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60.068. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).

E. Criteria for Decision. The decision as to the feasibility or reasonableness of alternatives shall be based upon the Shoreline Goals and Policies in the Seattle Comprehensive Plan and the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community.

F. Developments Qualify for Process. Developments for which a Plan Shoreline Permit may be required are:

Utility service uses, utility lines, and sewage treatment plants.

G. Project-specific Shoreline Permit. Any application for substantial development which is permitted

in the Shoreline District after a determination that no feasible or reasonable alternative exists and which relies upon a Plan Shoreline Permit shall be approved only if it complies with the provisions of this chapter, provides for the reasonable mitigation of environmental impacts and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance shall include, but not be limited to, a determination that all of the following standards have been met:

1. There is no increase in the amount or change in location of landfill on submerged lands;

2. There is no increase in lot coverage over water;

3. There is no net substantial increase in environmental impacts in the Shoreline District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and

4. Conditions included as part of the Plan Shoreline Permit are met.

(Ord. 118793 § 11, 1997; Ord. 113466 § 2(part), 1987.)

23.60.068 - Procedure for Council conditional use authorization.

Projects required by this chapter to obtain Council conditional use authorization shall be processed in the following manner:

A. Application for the Council conditional use and the shoreline substantial development permit shall be made concurrently. Application for environmental review if required shall be filed with the Council conditional use application.

B. Notice of application shall be consolidated.

C. The Council conditional use shall be processed as required by Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.

D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the Director shall file the decision to approve, deny, or condition the shoreline substantial development permit with the State Department of Ecology as required by Chapter 173-27 WAC. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the shoreline substantial development permit. The Council's findings, conclusions and decisions shall constitute the City report on the application.

E. The Director's decision to approve, condition or deny the shoreline substantial development permit shall be the final City decision on the project and shall be appealable to the Shoreline Hearings Board.

(Ord. 118793 § 12, 1997; Ord. 113466 § 2(part), 1987.)

23.60.070 - Decisions to State of Washington-Review

A. Any decision on an application for a permit under authority of this chapter, whether it be an approval or denial shall, concurrently with the transmittal of the ruling to the applicant, be filed by the Director with DOE and the Attorney General according to the requirements contained in WAC 173-27-130. For shoreline conditional use and variance decisions, the Director shall provide final notice of DOE's decision according to WAC 173-27-200(3).

B. Any person aggrieved by the granting or denying of a substantial development permit on

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shorelines of the City, or by the rescission of a permit pursuant to this chapter may seek review by the Shoreline Hearings Board by filing a petition for review within twenty-one (21) days of receipt of the permit decision by DOE. Within seven (7) days of the filing of any petition for review with the Shoreline Hearings Board pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Director of DOE, the Attorney General and the Director of DPD as provided in RCW 90.58.180.

(Ord. 121477 § 38, 2004; Ord. 119240 § 1, 1998; Ord. 118793 § 13, 1997: Ord. 117789 § 3, 1995: Ord. 113466 § 2(part), 1987.)

23.60.072 - Commencement of construction.

A. No construction pursuant to a substantial development permit authorized by this chapter shall begin or be authorized and no building, grading or other construction permits shall be issued by the Director until twenty-one (21) days from the date of filing of the Director's final decision granting the shoreline substantial development permit with the Director of the Department of Ecology and the Attorney General; or until all review proceedings are terminated if such proceedings were initiated within twenty-one (21) days of the date of filing of the Director's final decision.

B. Exception: Construction may be commenced no sooner than thirty (30) days after the date of filing of a judicial appeal of a decision of the Shoreline Hearings Board approving the Director's decision to grant the shoreline substantial development permit or approving a portion of the substantial development for which the permit was granted, unless construction is prohibited until all Superior Court review proceedings are final after a judicial hearing as provided in RCW 90.58.140. Any applicant who wishes to begin construction pursuant to this section prior to termination of all review proceedings does so at the applicant's own risk.

(Ord. 119240 § 2, 1998: Ord. 118793 § 14, 1997; Ord. 117789 § 4, 1995: Ord. 113466 § 2(part), 1987.)

23.60.074 - Effective date of substantial development permits and time limits for permit validity.

Pursuant to WAC 173-27-090, the following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this chapter.

A. Upon finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of WAC 173-27 and this chapter, the Director may adopt different time limits from those set forth in subsection B of this section below as part of the decision on a shoreline substantial development permit. The Director may also, with approval from DOE, adopt appropriate time limits as part of the decision on a shoreline conditional use or shoreline variance. "Good cause, based on the requirements and circumstances of the project," means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

B. Where the Director did not adopt different time limits on a permit decision, the following time limits shall apply:

1. Construction activities or substantial progress toward construction of a project or, where no construction activities are involved, the use or activity for which a permit has been granted

pursuant to this chapter shall be commenced within two (2) years of the effective date of a substantial development permit or the permit shall terminate. The Director may authorize a single extension of the two (2) year period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to DOE.

2. If a project for which permit has been granted pursuant to this chapter has not been completed within five (5) years after the effective date of the substantial development permit, authorization to conduct construction activities shall expire unless the Director authorizes a single extension based on reasonable factors, for a period not to exceed one (1) year, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to DOE.

3. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The time periods in subsections A and B of this section do not include the time during which a project, use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain other government permits and approvals for the project, use or activity that authorize it to proceed, including all reasonably related administrative or legal actions on any such permits or approval.

4. The Plan Shoreline Permit shall be valid for a period of five (5) years or as otherwise permitted by WAC 173-27-090. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsections A and B of this section.

(Ord. 118793 § 15, 1997: Ord. 118408 § 8, 1996: Ord. 113466 § 2(part), 1987.)

23.60.076 - Revisions to permits.

When an applicant seeks to revise a permit, the Director shall request from the applicant detailed plans and text describing the proposed changes in the permit.

A. If the Director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2), as now constituted or hereafter amended, the Director shall approve the revision. Within eight (8) days of the date of approval, the approved revision, along with copies of the revised site plan and text, shall be submitted by certified mail to DOE, the Attorney General, and copies provided to parties of record and to persons who have previously notified the Director of their desire to receive notice of decision on the original application.

B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this chapter.

C. If the revision to the original permit involves a conditional use or variance, either of which was conditioned by DOE, the Director shall submit the revision to DOE for DOE's approval, approval with conditions or denial, indicating that the revision is being submitted under the requirements of WAC 173-27-100(6). DOE shall transmit to the City and the applicant its final decision within fifteen (15) days of the date of DOE receipt of the submittal by the Director, who shall notify parties of record of DOE's final decision.

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D. The revised permit is effective immediately upon final action by the Director, or when appropriate under WAC 173-27-100(6), by DOE.

E. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the Shoreline Hearings Board within twenty-one (21) days from date of DOE's receipt of the revision approved by the Director, or when appropriate under WAC 173-27-100(6), the date DOE's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-27-100(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit. The party seeking review shall have the burden of proving the revision was not within the scope and intent of the original permit.

(Ord. 119240 § 3, 1998; Ord. 118793 § 16, 1997; Ord. 117789 § 5, 1995; Ord. 113466 § 2(part), 1987.)

23.60.078 - Rescission.

A. After holding a public hearing, the Director may rescind or suspend a substantial development permit if any of the following conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit;

2. The permittee has not complied with the conditions of the permit;

3. The permittee has secured the permit with false or misleading information; or

4. The permit was issued in error.

B. Notice of the hearing shall be mailed to the permittee not less than fifteen (15) days prior to the date set for the hearing and included in the Land Use Information Bulletin.

(Ord. 121477 § 39, 2004; Ord. 113466 § 2(part), 1987.)

23.60.080 - Fee schedule.

Permit and other shoreline-related fees shall be as described in the Permit Fee Ordinance.[1]

(Ord. 113466 § 2(part), 1987.)

1. Editor's Note: The Permit Fee Ordinance is set out at chapter 22.900 of this Code.

23.60.082 - Enforcement.

Procedures for investigation and notice of violation, compliance, and the imposition of civil penalties for the violation of any requirements of this chapter shall be as specified in Chapter 23.90, Enforcement of the Land Use Code.

(Ord. 113466 § 2(part), 1987.)

Subchapter III - General Provisions

Part 1 Use Standards

23.60.090 - Identification of principal permitted uses.
23.60.092 - Accessory uses.
23.60.120 - Applicability to existing development.
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23.60.196 - Floating homes.
23.60.198 - Residences other than floating homes.
23.60.200 - Recreational marinas.
23.60.202 - Standards for yacht, boat and beach clubs.
23.60.204 - Piers and floats accessory to residential development.
23.60.206 - Streets.
23.60.208 - Railroads and rail transit.
23.60.210 - Aquatic noxious weed control.

23.60.090 - Identification of principal permitted uses.

A. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying land use zone in which it is located.

B. Unless otherwise stated in this chapter all principal uses on waterfront lots shall be water-dependent, water-related or non-water-dependent with public access.

C. Principal uses are permitted in the respective shoreline environments in accordance with the lists of permitted and prohibited uses in the respective environments and subject to all applicable development standards. If a use is not identified in this chapter and is permitted in the underlying zone, it may be authorized as a conditional use by the Director in specific cases upon approval by the Department of Ecology when the criteria contained in Section 23.60.034 are satisfied.

D. For purposes of this chapter, standards established in the use sections of each environment are not subject to variance.

E. Principal uses which are water-dependent may be permitted over water. Principal uses which are non-water-dependent shall not be permitted over water unless specifically stated otherwise in the

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regulations for the applicable shoreline environment. For purposes of this chapter, this regulation shall be considered a use standard not subject to variance.

F. Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence, with the exception of house barges moored within The City of Seattle in June 1990 and licensed by The City of Seattle, shall be regulated as floating homes pursuant to this chapter. Locating other non-water-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on house barges or historic ships by other sections of this chapter.

G. For purposes of this chapter, house barges shall only be permitted under the following conditions:

1. A permit for the house barge, which is transferable between owners but not transferable to another house barge, has been secured from the Department of Planning and Development verifying that the house barge existed and was used for residential purposes within The City of Seattle in June 1990;

2. The house barge permit applicant must demonstrate compliance with state water quality standards for discharge by toilet as a condition of permit issuance.

3. The permit is effective for three (3) years. At the expiration of three (3) years, the permit may be renewed at the request of the owner, provided it is demonstrated, consistent with state water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility have been provided. The Director, after consultation with State Department of Ecology (Northwest Regional Office) water quality staff, may grant an exception to this requirement based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater. In such cases, the Director at the time of permit renewal, shall implement the plan by attaching conditions to the permit which limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods.

4. House barges must be moored at a recreational marina, as defined by Seattle Municipal Code Section 23.60.926.

5. House barges permitted under this section shall be regulated as a nonconforming use and shall be subject to the standards of Section 23.60.122, except that relocation of an established house barge to a different moorage within Seattle shall be permitted. When a house barge is removed from Seattle waters for more than six (6) months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.

H. For purposes of this chapter, dredging, landfill, and shoreline protective structures shall be considered to be uses not subject to variance.

I. As determined by the Director, uses in public facilities that are most similar to uses permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally, or prohibited under this chapter shall also be permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally or prohibited subject to the same use regulations, development

standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar use unless otherwise specified.

J. Light rail transit facilities approved pursuant to subsection 23.80.004 C are permitted uses in all shoreline environments, and light rail bridges and tunnels are water-dependent uses when they must cross a body of water regulated by Chapter 23.60. A temporary structure or use that supports the construction of a light rail transit facility and that is approved pursuant to Section 23.42.040 F is permitted as a temporary structure or use in all shoreline environments.

(Ord. 122198, § 4, 2006; Ord. 121276 § 37, 2003; Ord. 118663 § 1, 1997; Ord. 116328 § 1, 1993; Ord. 116051 § 1, 1992; Ord. 113466 § 2(part), 1987.)

23.60.092 - Accessory uses.

A. Any principal use permitted in a specific shoreline environment either outright, or as a special use, conditional use or Council conditional use shall also be permitted as an accessory use outright or as a special use, conditional use or Council conditional use, respectively.

B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred (800) square feet in living area. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are non-water-dependent and non-water-related, even if accessory to water-dependent or water-related uses, shall be permitted over water according to subsection A above only if either:

1. The over-water location is necessary for the operation of the water-dependent or water-related use; or

2. The lot has a depth of less than fifty (50) feet of dry land.

D. Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than fifty (50) feet of dry land and the Director determines that adequate on-site or off-site dry land parking within eight hundred (800) feet is not reasonably available.

E. Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable shoreline environment.

F. Accessory uses shall be located on the same lot as the principal use; provided that when the accessory use is also permitted as a principal use in the shoreline environment applicable to an adjacent lot, the accessory use may be located on that adjacent lot.

(Ord. 119929 § 1, 2000; Ord. 116907 § 9, 1993; Ord. 116616 § 8, 1993; Ord. 113466 § 2(part), 1987.)

Part 2 Nonconforming Uses and Structures

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23.60.120 - Applicability to existing development.

Except as specifically stated, the regulations of this chapter shall not apply to developments legally undertaken in the Shoreline District prior to adoption of the ordinance codified in this chapter.[1]

(Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.122 - Nonconforming uses.

A. . Any nonconforming use may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twelve (12) consecutive months in the CN, CP, CR, CM, CW, UR, UH and US Environments or more than twenty-four (24) consecutive months in the UM, UG or UI Environments shall not be reestablished or recommenced. A use shall be considered discontinued when:

a. A permit to change the use of the structure or property was issued and acted upon;

b. The structure or portion of a structure, or the property is not being used for the use allowed by the most recent permit; or

c. The structure or property is vacant, or the portion of the structure or property formerly occupied by the nonconforming use is vacant.

The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one (1) or more vacant dwelling units shall not be considered unused unless the total structure is unoccupied.

3. Any sign in the Shoreline District which does not conform to the provisions of this chapter shall be discontinued within seven (7) years from the effective date of the ordinance codified in this chapter,[1] unless designated a landmark pursuant to Chapter 25.12, the Landmark Preservation Ordinance.

B. A structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended beyond its existing external dimensions except as provided in subsection E below, as otherwise required by law, as necessary to improve access for the elderly and disabled, or to provide regulated public access.

C. A nonconforming use which is destroyed by fire or other act of nature, including normal deterioration of structures in or over the water, may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12) months after demolition or destruction in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction in the UM, UG or UI Environments. A rebuilt structure housing a nonconforming eating and drinking establishment use in an Urban Stable Environment may consolidate other existing nonconforming uses on the property, provided that no cumulative expansion or intensification of the nonconforming use and no increase in over-water coverage occurs and the Director finds that the reconfiguration will allow removal of structures housing other nonconforming uses, resulting in improved view corridors or regulated public

access.

D. The change of one (1) nonconforming use to another use not permitted in the shoreline environment may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the new use is no more detrimental to the property in the shoreline environment and vicinity than the existing use and the existing development is unsuited for a use permitted in the environment, and if the criteria for conditional uses in WAC 173-27-160 are satisfied. The new use shall retain its nonconforming use status for the purposes of subsections A through C of this section above.

E. Reconfiguration of an existing nonconforming moorage may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the goals of this chapter, including enhancing upland and street views, limiting location of structures over water and providing public access, would be better served. Such reconfiguration may be authorized only if view corridors and public access are improved. The square footage of the covered moorage and the height of the covered moorage shall not be increased. Covered moorage with open walls shall be preferred.

(Ord. 118793 § 17, 1997; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.124 - Nonconforming structures.

A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or to provide regulated public access. When the development is nonconforming as to lot coverage, existing lot coverage may not be transferred from the dry-land portion of the site to the water.

B. A nonconforming structure or development which is destroyed by fire or other act of nature, including normal deterioration of structures constructed in or over the water, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12) months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction of a structure in the UM, UG, or UI Environments. A rebuilt nonconforming structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming structures on the property, provided that no increase in height or cumulative expansion of the area of nonconforming structures and no increase in overwater coverage occurs, and provided that the Director finds that the reconfiguration will allow removal of other nonconforming structures, resulting in improved view corridors or regulated public access.

C. The Director may require compliance with the standards of Section 23.60.152, General development, for part or all of a lot as a condition for new development of part of a lot if it is found that continued nonconformity will cause adverse impacts to air quality, water quality, sediment quality, aquatic life, or human health.

D. The Director may require compliance with Section 23.60.160, Standards for regulated public

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access, as a condition of a substantial development permit for expansion or alteration of a development nonconforming as to public access requirements.

(Ord. 113466 § 2(part), 1987.)

23.60.126 - Structures in trespass.

The above provisions for nonconforming uses and structures, Sections 23.60.122 through 23.60.124, shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which are in trespass or in violation of state statutes.

(Ord. 113466 § 2(part), 1987.)

Part 3 Development Standards

23.60.150 - Applicable development standards.

All uses and developments in the Shoreline District shall be subject to the general development standards applicable to all environments, to the development standards for the specific environment in which the use or development is located, and to any development standards associated with the particular use or development.

(Ord. 113466 § 2(part), 1987.)

23.60.152 - General development.

All uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or

settling ponds, interceptor drains and planted buffers.

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

H. All shoreline developments and uses shall 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.

I. All shoreline developments and uses shall 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.

J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.

K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;

2. Piling and dolphins may be permitted to secure floating structures only if the structures

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cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;

3. The maximum height of structures shall be fifteen feet (15');

4. Structures shall not occupy more than thirty-five (35) percent of the right-of-way and shall not occupy more than forty (40) percent of the width of the right-of-way;

5. A view corridor or corridors of not less than fifty (50) percent of the width of the right-of-way shall be provided and maintained; and

6. An open channel, unobstructed by vessels or structures for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

R. Within all Shoreline Districts, submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of Single-family zones or density standards of other zones.

(Ord. 116325 § 2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.154 - Shoreline design review.

The Director may require that any development by a public agency or on public property which has not been reviewed by the Design Commission be reviewed for visual design quality by appropriate experts selected by mutual agreement between the applicant and the Director prior to approval of the development. The Shoreline design review may be conducted prior to an application for a substantial development permit at the request of the applicant. The costs of the Shoreline design review shall be borne by the applicant.

(Ord. 116909 § 4, 1993: Ord. 113466 § 2(part), 1987.)

23.60.156 - Parking requirements.

A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified in Chapter 23.54 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements, or (2) if parking to serve the proposed uses is available within eight hundred (800) feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.

B. New off-street parking areas or structures of more than five (5) spaces shall be located at least fifty (50) feet from the water's edge. The Director may modify this requirement for lots with insufficient space between the ordinary high water mark and the lot line furthest upland from the water's edge. In such cases the parking shall be located as far upland from the water's edge as feasible.

C. If the number of parking spaces for a proposed substantial development which is required by Chapter 23.54 or which is proposed by the applicant will adversely affect the quality of the shoreline environment, the Director shall direct that the plans for the development be modified to eliminate or ameliorate the adverse effect.

(Ord. 118793 § 18, 1997; Ord. 117571 § 2, 1995; Ord. 113466 § 2(part), 1987.)

23.60.158 - Drive-in businesses.

Uses may not have drive-in windows on waterfront lots in the Shoreline District. Uses may have drive-in windows on upland lots in the Shoreline District if permitted by the underlying zoning.

(Ord. 113466 § 2(part), 1987.)

23.60.160 - Standards for regulated public access.

A. . Regulated public access shall be a physical improvement in the form of any one (1) or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.

2. The minimum regulated public access shall consist of an improved walkway at least five (5) feet wide on an easement ten (10) feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint.

3. Maintenance of the public access shall be the responsibility of the owner or developer.

B. The Director shall review the type, design, and location of public access to insure development of a public place meeting the intent of the Shoreline Master Program. The Director shall consider the following criteria in determining what constitutes adequate public access on a specific site:

1. The location of the access on the lot shall be chosen to:

a. Maximize the public nature of the access by locating adjacent to other public areas including street-ends, waterways, parks, other public access and connecting trails;

b. Maximize views of the water and sun exposure; and

c. Minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.

2. Public amenities appropriate to the usage of the public access space such as benches, picnic tables, public docks and sufficient public parking to serve the users shall be selected and placed to ensure a usable and comfortable public area.

3. Public access shall be located to avoid interference with the use of the site by water-dependent businesses located on the site.

C. Regulated public access may be limited as to hours of availability and types of activities permitted. However, twenty-four (24) hour availability is preferable and the access must be available to the public on a regularly scheduled basis.

D. Regulated public access shall be open to the public no later than the time of the Director's final inspection of the proposed development which requires public access.

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E. Regulated public access and related parking shall be indicated by signs provided by the applicant, of standard design and materials prescribed by the Director. The signs shall be located for maximum public visibility.

F. All public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Department of Records and Elections.

G. For shoreline development requiring more than one (1) substantial development permit or extending for more than one thousand (1,000) lineal feet of shoreline, regulated public access shall be required in the context of the entire project as follows:

1. A shoreline development which requires more than one (1) substantial development permit need not provide separate regulated public access for each permit, but public access shall be provided in the context of the entire development.

2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project components intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.

3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.

4. A minimum of one (1) public access site shall be provided for each three thousand five hundred (3,500) lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions.

1. The requirement for one (1) public access site for each major terminal or facility shall be waived if the terminal or facility is included in a public access plan approved by the Council and the applicant complies with the plan.

2. In lieu of development of public access on the lot, an applicant may choose to meet the requirement for public access through payment or by development of public property when the applicant's lot is located in an area included in a public access plan approved by the Council. To be permitted, payment in lieu or development off-site must be permitted by the approved public access plan.

3. Regulated public access shall not be required where:

a. The cost of providing public access is unreasonably disproportionate to the total cost of the proposed development; or

b. The site is not located in an area covered by a public access plan approved by the Council and one (1) of the following conditions exists:

(1) Unavoidable hazards to the public in gaining access exist,

(2) Inherent security requirements of the use cannot be satisfied,

(3) Unavoidable interference with the use would occur, or

(4) Public access at the particular location cannot be developed to satisfy the public interest in providing a recreational, historical, cultural, scientific or educational opportunity or view.

The exceptions in subsection H3b above apply only if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated from the potential hazard or interference through barriers such as fencing and landscaping and provision of access at a site geographically separated from the development site but under the control of the applicant.

4. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property. The Director may authorize regulated public access to be temporarily or permanently closed if it is found that offensive conduct cannot otherwise be reasonably controlled.

(Ord. 113466 § 2(part), 1987.)

23.60.162 - View corridors.

A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.

B. When a view corridor is required the following provisions shall apply:

1. A view corridor or corridors of not less than the percentage of the width of the lot indicated in the development standards for the applicable shoreline environment shall be provided and maintained.

2. Structures may be located in view corridors if the slope of the lot permits full, unobstructed view of the water over the structures.

3. Unless provided otherwise in this chapter, parking for motor vehicles shall not be located in view corridors except when:

a. The parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or

b. The area of the lot where the parking would be located is four (4) or more feet below street level.

4. Removal of existing landscaping shall not be required.

C. The Director may waive or modify the view corridor requirements if it is determined that the intent to preserve views cannot be met by a strict application of the requirements or one (1) of the following conditions applies:

1. There is no available clear view of the water from the street;

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2. Existing development or topography effectively blocks any possible views from the street; or

3. The shape of the lot or topography is unusual or irregular.

D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:

1. The direction of predominant views of the water;

2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;

3. The availability of actual views of the water and the potential of the lot for providing those views from the street;

4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;

5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and

6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.

(Ord. 113466 § 2(part), 1987.)

Part 4 Development Standards Applicable to Specific Uses

23.60.179 - Additional development standards.

The following uses shall meet the additional development standards provided below as well as the General Development Standards of Part 3 of this subchapter and any applicable development standards for the environment in which the use is located.

(Ord. 113466 § 2(part), 1987.)

23.60.180 - Sign standards.

A. General Standards for All Signs.

1. Roof signs shall not be permitted in the Shoreline District.

2. Signs mounted on buildings shall be wall-mounted except for projecting signs mounted on the street-front facade of a building facing a street running generally parallel to the shoreline and located at a distance from the corner of the building so as not to obstruct views of the water.

3. Pole signs shall be permitted only on piers or floats which lack buildings for wall-mounted signs and only to provide visibility from fairways (publicly owned navigable waters) for water-dependent or water-related uses. Pole signs shall not be located in view corridors required by this chapter or so as to obstruct views through view corridors required by this chapter or of a substantial number of residents. The Director may modify proposed signs to prevent such view obstruction.

4. Ground signs are permitted when not located in required view corridors or in an area which impairs visual access to view corridors.

5. The size, height and number of permitted signs and the determination as to whether a sign may be flashing, illuminated, rotating or portable, shall be as regulated in the underlying zoning except as follows:

a. Any sign which is visible from a fairway (publicly owned navigable water) shall be limited to only the name and nature of the use, and each letter shall be limited to no more than sixteen inches (16") in height;

b. Signs on piers shall be limited to forty (40) square feet in area; and

c. Freestanding signs on piers shall not exceed twelve feet (12') in height.

B. Types of Signs.

1. Signs permitted in the CN, CP, CR, CM, CW and UR Environments shall be limited to identification signs, on-premises directional signs, and interpretive signs.

2. Signs permitted in the US, UH, UM, and UG Environments shall be limited to identification signs, on-premises directional signs, interpretive signs and business signs.

3. Signs permitted in the UI Environment shall be limited to identification signs, on-premises directional signs, interpretive signs, business signs, and off-premises directional signs. Advertising signs may be permitted only on upland lots in the UI Environment.

4. Temporary signs as defined in Section 23.55.012 shall be allowed in all Environments, subject to the restrictions in subsection A.

(Ord. 117555 § 3, 1995; Ord. 113466 § 2(part), 1987.)

23.60.182 - Dredging standards.

A. Dredging and dredged material disposal shall be designed to include reasonable mitigating measures to protect aquatic habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important biological communities.

B. Dredging shall be timed so that it does not interfere with migrating aquatic life, as prescribed by state and federal requirements.

C. Open-water disposal of dredged material shall be permitted only at designated disposal sites.

D. Stockpiling of dredged material in or under water is prohibited.

E. Dredging of material that does not meet the Environmental Protection Agency and Department of Ecology criteria for open-water disposal shall be permitted only if:

1. The dredging would not cause long-term adverse impacts to water sediment quality, aquatic life or human health in adjacent areas; and

2. A dry land or contained submerged disposal site has been approved by the Environmental Protection Agency (EPA) and the Director of the Seattle/King County Department of Public Health, or any successor agency.

F. Dredging for the purpose of obtaining fill or construction material, or otherwise mining submerged land is prohibited except where the applicant can show that:

1. The existing benthos is sterile or largely degraded and shows no sign of regeneration; and

2. The dredging will have only mitigable impact on water quality and aquatic life.

G. Incidental dredged material resulting from the installation of a utility line or intake or outfall may remain under water if:

1. It can be placed without long-term adverse impacts to water quality, sediment quality, aquatic life or human health; and

2. The environmental impacts of removing the material and relocating it to an open-water disposal site are greater than the impacts of leaving the material at the original site.

(Ord. 113466 § 2(part), 1987.)

23.60.184 - Standards for landfill and creation of dry land.

A. Solid waste, refuse, and debris shall not be placed in the shoreline.

B. Shoreline fills or cuts shall be designed and located so that:

1. No significant damage to ecological values or natural resources shall occur; and

2. No alteration of local currents nor littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.

C. All perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.

D. Fill materials shall be of a quality that will not cause problems of water quality.

E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid waste except for the disposal of dredged material permitted in subsection I below.

F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat shall be considered.

G. Deposit of fill material including dredged material shall not be permitted on lands which contain unique, fragile or ecologically valuable resources.

H. The final location and slope of fill material on submerged lands shall meet the criteria of the State Fisheries and Game Hydraulic Code.

I. Dredged material not meeting the Environmental Protection Agency and Department of Ecology

criteria for open-water disposal may be used for landfill in the shoreline only if:

1. The landfill is designed to be used for future water-dependent or water-related development;

2. The landfill meets the criteria for landfill in the environment in which it is located;

3. Either the area in which the material is placed has similar levels of the same contaminants or the material is placed in a manner that it will not be a source of contaminants in an area cleaner than the proposed fill material;

4. The landfill can be placed in the water or on the land without long-term adverse impacts to water quality, sediment quality, aquatic life, or human health; and

5. If classified as problem waste, any required EPA or DOE approval is obtained.

J. Incidental landfill which does not create dry land and is necessary for the installation of a utility line intake or outfall may be placed on submerged land if it will not have long-term adverse impacts to water quality, sediment quality, aquatic life or human health.

K. Landfill which creates dry land which is necessary to repair pocket erosion between adjacent revetments shall meet the following standards in addition to those in subsections A through J above:

1. The erosion pocket does not exceed one hundred feet (100') in width as measured between adjacent revetments;

2. The erosion pocket is in an area characterized by continuous revetments abutting and extending in both directions along the shoreline away from the erosion pocket;

3. The fill will not appreciably increase interference with a system of beach accretion and erosion; and

4. The fill does not extend beyond a line subtended between the adjacent revetments.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.186 - Standards for natural beach protection.

A. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures when the length and configuration of the beach will accommodate it, and the protection is a reasonable solution to the needs of the specific site where it is proposed. Design alternatives shall include the best available technology such as, but not limited to:

1. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate.

2. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained.

B. Natural beach protection shall not:

1. Detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;

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2. Result in any exposed groin-like structures;

3. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

4. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments; or

5. Create additional dry land mass.

C. Maintenance of natural beach protection systems shall be the responsibility of the owner.

(Ord. 113466 § 2(part), 1987.)

23.60.188 - Standards for bulkheads.

A. Bulkheads accessory to nonresidential uses may be authorized when:

1. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shorelines;

2. If dry land is created, the landfill complies with all standards for landfill; and

3. The bulkheads are:

a. Adjacent to a navigable channel,

b. Necessary for a water-dependent or water-related use, or

c. Necessary to prevent extraordinary erosion, but only when natural beach protection is not a practical alternative.

B. Bulkheads accessory to residential uses may be authorized when:

1. Necessary to maintain existing land and to protect from extraordinary erosion, and when natural beach protection is not a practical alternative;

2. Additional dry land mass is not created, except as otherwise provided in the standards of the applicable environment;

3. The bulkhead does not extend waterward of ordinary high water unless necessary to protect the toe of a cliff from wave action;

4. The bulkhead does not extend into the water beyond adjacent bulkheads;

5. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shores; and

6. The existing contour of the natural shoreline is generally followed.

C. Bulkheads accessory to single-family residences and meeting the conditions of subsection B above are normal protective bulkheads common to single-family residences and are exempt from the

substantial development permit requirement.

D. Riprap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UM, UG, and UI Environments. Sheetpiling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

E. Riprap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable.

(Ord. 113466 § 2(part), 1987.)

23.60.190 - Standards for breakwaters and jetties.

A. Breakwaters and jetties may be authorized only for protection of water-dependent uses.

B. Where practical, floating breakwaters shall be used rather than solid landfill breakwaters or jetties in order to maintain sand movement and fish habitat.

C. Solid breakwaters and jetties shall be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.

(Ord. 113466 § 2(part), 1987.)

23.60.192 - Standards for utility lines.

A. To the extent practicable, all new utility lines shall be located or constructed within existing utility corridors.

B. The installation of new electrical, telephone or other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in all environments except UI shall be accomplished underground, or under water, except for lines carrying one hundred fifteen (115) kilovolts or more.

C. Overhead installation of utility lines shall be permitted where there are no significant impacts on upland views. Location and design shall minimize visibility of overhead utilities and preserve views.

D. Upon completion of utility line installation or maintenance projects, the shoreline shall be restored to preproject configuration, replanted and provided maintenance care until the newly planted vegetation is reestablished.

E. Underwater pipelines except gravity sewers and storm drains, carrying materials intrinsically harmful or potentially injurious to aquatic life and/or water quality shall be provided with shutoff facilities at each end of the underwater segments.

(Ord. 113466 § 2(part), 1987.)

23.60.194 - Standards for intakes and outfalls.

A. All intakes and outfalls shall be located so they will not be visible at mean lower low water.

B. All intakes and outfalls shall be designed and constructed to prevent the entry of fish.

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(Ord. 113466 § 2(part), 1987.)

23.60.196 - Floating homes.

A. General Standards.

1. Floating home moorages shall comply with the Seattle Building Code adopted by Chapter 22.100 of the Seattle Municipal Code, and the requirements of this chapter.

2. Moorage Location:

a. Except as provided below, every floating home moorage shall be located on privately owned or privately controlled premises. No floating home shall be located in any waterway or fairway or in the public waters of any street or street end.

b. Floating homes and floating home moorages which were located in the public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes, and which have continuously remained in such locations, comply with all other provisions of this chapter and are authorized by a use and occupancy permit approved by the Director of Seattle Department of Transportation shall be permitted; provided that when any such floating home so located and permitted to use such public waters is moved from its existing site the public waters shall not be reoccupied.

c. Floating homes and floating home moorages located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area when the same person owns or leases the property abutting on both sides thereof shall be permitted.

d. Floating homes are permitted when located at an existing floating home moorage and located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or leases the private portion of the moorage site and has obtained a long-term permit from City Council to occupy the abutting street area.

3. Views. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of a dock or walkway. In the location and the design of remodeled floating homes, views of the water for moorage tenants and the public shall be preserved.

4. Existing Floating Homes. An existing floating home, for the purposes of this section, shall be one assigned a King County Assessor's (KCA) number and established by that number as existing at an established moorage in Lake Union or Portage Bay as of the effective date of the ordinance codified in this chapter. (Note 1)

5. Relocation. Two (2) floating homes may exchange moorage sites, either within a moorage or between moorages, if:

a. Both floating homes are the same height or the relocation will not result in a floating home, which is over eighteen (18) feet in height and higher than the floating home being replaced, being located seaward of floating homes which are eighteen (18) feet or less in height, provided that no floating home greater than eighteen (18) feet in height shall be relocated to a nonconforming floating home moorage except to replace a floating home of

equal or greater height;

b. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsection B or C of this section below unless reduced for existing floating homes by the Director; and

c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating Home Moorages, have been met.

6. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home, or expand a floating home moorage, shall be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than one (1) inch equals twenty (20) feet, unless such plan is already on file with the Department. When the proposal is to expand a moorage, the plan shall designate individual moorage sites for the entire moorage.

B. Conforming Floating Home Moorages.

1. New moorages or expanded portions of conforming floating home moorages shall meet the following standards:

a. Floating homes shall not exceed twenty-one (21) feet at the highest point measured from the surface of the water, except that the following specific structures, and only these structures, may exceed this height limit to the minimum extent necessary in order to satisfy the provisions of the Building Code: open railings, chimneys and mechanical vents. Open railings shall be limited to thirty-six (36) inches in height.

b. New floating homes shall not cover in excess of one thousand two hundred (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overhang and accessory floats.

c. Minimum site area for an individual floating home shall be two thousand (2,000) square feet, except as provided in subsection D of this section.

d. Total water coverage of all floating homes and all fixed or floating moorage walkways shall not exceed forty-five (45) percent of the submerged portion of the moorage lot area.

e. Setbacks.

(1) The minimum distance between adjacent floating home floats or walls shall be ten (10) feet of open water.

(2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten (10) feet, wall-to-wall.

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line.

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f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street.

g. Each floating home in a floating home moorage shall abut upon open water at least twenty (20) feet wide and open continuously to navigable waters.

h. The view corridor requirements of the applicable shoreline environment shall be met.

2. Floating home moorages meeting the above standards shall be considered to be conforming.

3. Remodeling, rebuilding or relocation of a floating home shall be permitted at a conforming moorage if the provisions of subsections A and B1 of this section are met.

C. Nonconforming Floating Home Moorages.

1. The remodeling, replacement, or rebuilding of a floating home at a moorage existing as of March 1, 1977, whether or not legally established at that time, when the moorage does not satisfy the lot coverage, open water, site area, setback, view corridor or location provisions for conforming floating home moorages shall be permitted subject to the following provisions:

a. The total float area of the floating home float shall not be increased;

b. The height of the remodeled floating home or of the remodeled portion of the floating home shall not be increased beyond eighteen (18) feet from the water surface or the height shall not exceed eighteen (18) feet from the water if the floating home is being replaced or rebuilt, except that the following specific structures, and only these structures, may exceed this height limit to the minimum extent necessary in order to satisfy the provisions of the Building Code: open railings, chimneys and mechanical vents. Open railings shall be limited to thirty-six (36) inches in height;

c. The minimum distance between adjacent floating home walls shall not be decreased to less than six (6) feet if the floating home is being remodeled or shall not be less than six (6) feet if the floating home is being rebuilt or replaced, except as provided in subsection D of this section;

d. The minimum distance between any floating home wall and any floating home site line shall not be decreased to less than three (3) feet if the floating home is being remodeled or shall not be less than three (3) feet if the floating home is being rebuilt or replaced;

e. No part of the floating home shall be further extended over water beyond the edge of the float if the floating home is being remodeled or shall not be extended over water beyond the edge of the float if the floating home is being rebuilt or replaced;

f. Any accessory float which was attached to a floating home as of March 1, 1977, may be maintained or replaced provided that the area of the accessory float shall not be increased. An accessory float may not be transferred from one (1) floating home to another. New accessory floats are prohibited; and

g. The extent of nonconformity of the floating home moorage with respect to view corridors shall not be increased.

2. The expansion of a nonconforming moorage shall be permitted if the expanded portion of the moorage meets the following provisions:

a. No floating home in the expanded portion of the moorage is over eighteen (18) feet in height or the height of the floating home located immediately landward in the existing moorage, whichever is greater;

b. New floating homes shall not cover an excess of one thousand two hundred (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overlay and accessory floats;

c. Minimum site area for an individual floating home shall be two thousand (2,000) square feet except as provided in subsection D of this section;

d. Total water coverage of all floating homes and all fixed or floating moorage walkways in the expanded portion of the moorage shall not exceed forty-five (45) percent of the expanded submerged portion of the moorage lot area;

e. Setbacks.

(1) The minimum distance between adjacent floating home floats or walls shall be ten (10) feet of open water,

(2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten (10) feet, wall-to-wall,

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line;

f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street;

g. Each floating home in a floating home moorage shall abut upon open water at least twenty (20) feet wide and open continuously to navigable waters; and

h. The extent of nonconformity of the floating home moorage with respect to view corridors is not increased.

D. "Safe Harbor" Development Standards-Exceptions. There shall be no parking requirements or minimum site area for the following:

1. In the Urban Residential Environment, the addition of no more than two (2) existing floating homes, as defined in subsection A4 of Section 23.60.196 of this chapter on each lot developed with a recreational marina, commercial moorage or floating home moorage on the effective date of the ordinance codified in this chapter[1] and established prior to April 1, 1987 when the floating homes are relocated from another lot after April 1, 1987; and

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2. In the Urban Stable Environment, no more than two (2) floating homes at each lot as permitted by subsection A4 of Section 23.60.600 of this chapter when relocated from another lot after April 1, 1987.

(Ord. 121477 § 40, 2004; Ord. 119240 § 4, 1998; Ord. 118793 § 19, 1997; Ord. 118409 § 204, 1996: Ord. 116744 § 27, 1993; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.198 - Residences other than floating homes.

A. Residences shall not be constructed over water unless specifically permitted in the regulations for applicable shoreline environment.

B. . Residences on waterfront lots shall not be located further waterward than adjacent residences. If a required setback exceeds seventy-five (75) feet from the line of ordinary high water, the Director may reduce the setback to no less than seventy-five (75) feet if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked. If there are no other residences within one hundred (100) feet, residences shall be located at least twenty-five (25) feet back from the line of ordinary high water.

2. Fences, freestanding walls, bulkheads and other structures normally accessory to residences may be located in the residential setback if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the accessory structures.

C. Residences constructed partially or wholly over water shall not be located further waterward than adjacent over-water residences. If there are no over-water residences within one hundred (100) feet or if this provision would not allow reasonable development, the Director shall determine the maximum distance from shore that the structure may extend. In making this determination, the Director shall find that:

1. The amount of view blockage from adjacent residences is minimized;

2. The use of dry land is maximized;

3. The square footage of the proposed structure is comparable to residential development in the vicinity; and

4. The Shoreline Policies are met.

D. Single-family residences on both waterfront and upland lots shall meet the yard requirements of the underlying zoning.

E. Multifamily developments shall meet all development standards of the underlying zoning including modulation and structure width and depth, provided that, where view corridors are required, the Director may reduce or waive the yard and setback requirements of the underlying zoning. Where view corridors are not required, yards and setbacks of the underlying zoning shall be required.

F. Submerged lands may not be used to satisfy landscaped open space requirements of multifamily developments.

(Ord. 118415 § 1, 1996; Ord. 113466 § 2(part), 1987.)

23.60.200 - Recreational marinas.

General requirements for recreational marinas:

A. Lavatory facilities connected to a sanitary sewer and adequate to serve the marina shall be provided.

B. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at marinas having in excess of three thousand five hundred (3,500) lineal feet of moorage or slips large enough to accommodate boats larger than twenty (20) feet in length, and shall be located so as to be conveniently available to all boats. An appropriate disposal facility for removal of bilge wastes shall be either a vacuum apparatus, or oil-absorbent materials and waste receptacles.

C. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored.

D. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas.

E. Public access shall be provided as follows:

1. The minimum public access for a marina providing less than nine thousand (9,000) feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to an area located at the water's edge, which area shall be at least ten (10) feet wide and shall provide at least ten (10) feet of water frontage for every one hundred (100) feet of the marina's water frontage.

2. The minimum public access for a marina providing nine thousand (9,000) or more feet of moorage space shall consist of an improved walkway at least five (5) feet wide on an easement at least ten (10) feet wide leading to a public walkway at least five (5) feet wide on an easement at least ten (10) feet wide located along the entire length of the marina's water frontage.

3. Marinas which provide less than two thousand (2,000) lineal feet of moorage space and which contain only water-dependent or water-related principal uses are exempt from this public access requirement.

F. Transient Moorage.

1. Transient moorage shall be provided at the rate of forty (40) lineal feet of transient moorage space for each one thousand (1,000) lineal feet of moorage space in the marina if one (1) or more of the following conditions apply:

a. The marina provides nine thousand (9,000) or more lineal feet of moorage;

b. The marina is part of a development which includes restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or

c. The marina is owned, operated, or franchised by a governmental agency for use by the

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general public.

2. The Director may waive the requirement for transient moorage if it is found that there is adequate transient moorage already existing in the vicinity.

3. Transient moorage for commercial vessels may be required as part of a recreational marina providing more than nine thousand (9,000) lineal feet of moorage if the site is in an area near commercial facilities generating commercial transient moorage demand.

G. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided.

(Ord. 113466 § 2(part), 1987.)

23.60.202 - Standards for yacht, boat and beach clubs.

Nonwater-dependent facilities of yacht, boat and beach clubs, other than moorage facilities, shall be located only on dry land except as specifically provided in the applicable shoreline environment.

(Ord. 113466 § 2(part), 1987.)

23.60.204 - Piers and floats accessory to residential development.

A. Preference shall be given to shared piers or moorage facilities for residential development. Shared facilities may be located adjacent to or on both sides of a property line upon agreement of two (2) or more adjacent shoreline property owners. Easements or covenants assuring joint use shall be furnished with a joint application.

B. Size and Location.

1. Piers may be fixed or floating. Piers shall be located generally parallel to side lot lines and perpendicular to the shoreline. If the shoreline or the lot lines are irregular, the Director shall decide the orientation of the pier. No pier shall be located within fifteen (15) feet of a side lot line unless the pier is shared with the owner of the adjacent lot or unless a pier is already in existence on the adjacent lot and located less than five (5) feet from the common side lot line, in which case the minimum distance between a pier and the side lot line may be reduced to not less than five (5) feet.

2. An existing pier not meeting the location provisions of this section may be extended to the maximum length permitted in subsection B5 below.

3. Piers shall be permitted only when the lot width is not less than forty-five (45) feet, except where the pier is shared with the owner of an adjacent lot, in which case the width of the combined lots shall be not less than sixty (60) feet. No single-family lot shall have more than one (1) pier or float structure.

4. No pier shall exceed six (6) feet in width.

5. Maximum extension of a pier from the water's edge shall be the greater of the following, limited by subsection B6:

a. A line subtended by the ends of adjacent existing piers, if within two hundred (200) yards of the proposed pier; or

b. A line subtended by the ends of an adjacent existing pier on one (1) side within two hundred (200) yards of the proposed new pier, and the first pier beyond an adjacent existing pier on the opposite side and within one hundred (100) yards of the proposed new pier; or

c. To a point where the depth of the water at the end of the pier reaches eight (8) feet below ordinary high water in fresh water or mean lower low water in tidal waters.

6. No pier shall extend more than one hundred (100) feet and no pier shall extend beyond the Outer Harbor or Pierhead Line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown upon the Official Land Use Map of The City of Seattle or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

7. No pier shall exceed five (5) feet in height above ordinary high water.

C. Piers accessory to single-family, duplex or triplex developments may include one overwater projection in the form of a finger or spur pier, angled extension, float or platform per dwelling unit, not to exceed one hundred (100) square feet in area and not to be located closer than five (5) feet from a side lot line. Residential piers serving multifamily residences of four (4) or more units shall be limited to one (1) over-water projection of no more than one hundred (100) square feet per each two (2) dwelling units.

D. A shared pier may include one (1) extension, finger pier or float for each single-family dwelling unit not to exceed one hundred fifty (150) square feet in area for each residence.

E. No fees or other compensation may be charged for use by nonresidents of piers accessory to residences in the UR Environment.

F. Uncovered boat lifts and diving boards shall be permitted if in scale with the pier.

G. Swimming floats not meeting the standards of subsections A through F above shall be permitted in lieu of moorage piers when anchored off-shore and limited to one hundred (100) square feet per dwelling unit for single-family, two (2) family, and three (3) family residential units and fifty (50) square feet per dwelling unit for four (4) or more family residential units.

(Ord. 113466 § 2(part), 1987.)

23.60.206 - Streets.

A. Except for bridges necessary to cross a water body, new streets shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District or to connect to public access facilities.

B. Where permitted, new streets on the shoreline shall be designed to:

1. Improve public visual and physical access to the shoreline;

2. Conform to the topography and other natural features with minimum of cut, fill, and structural

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elements;

3. Provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline; and

4. Minimize the area of upland lots and maximize the area of waterfront lots.

(Ord. 113466 § 2(part), 1987.)

23.60.208 - Railroads and rail transit.

A. New railroad tracks shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District.

B. Existing railroad tracks may be expanded within existing rail corridors.

C. Where possible, new rail transit facilities in the Shoreline District shall use existing highway or rail corridors.

D. All railroads and rail transit facilities shall provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

(Ord. 113466 § 2(part), 1987.)

23.60.210 - Aquatic noxious weed control.

The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, may be accomplished through the following practices:

A. By hand-pulling, mechanical harvesting, or placement of aquascreens if proposed to maintain existing water depth for navigation, which shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit; or

B. By derooting, rotovating or other method which disturbs the bottom sediment or benthos, which shall be considered development for which a substantial development permit is required, unless proposed to maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit; or

C. Through the use of herbicides or other treatment methods applicable to the control of aquatic noxious weeds that are recommended in a final environmental impact statement published by the State Department of Agriculture or the State Department of Ecology jointly with other state agencies under Chapter 43.21 RCW, and subject to approval from the State Department of Ecology. The approve permit from the Department of Ecology shall specify the type of chemical(s) to be used and document that chemical treatment for the control of aquatic noxious weeds shall be applied by a person or entity licensed by the Department of Agriculture.

(Ord. 118793 § 20, 1997: Ord. 113466 § 2(part), 1987.)

Subchapter IV - Shoreline Environments

23.60.220 - Environments established.

23.60.220 - Environments established.

A. The following shoreline environments and the boundaries of these environments are established on the Official Land Use Map as authorized in Chapter 23.32.

B. For the purpose of this chapter, the Shoreline District is divided into eleven (11) environments designated below.

Environment	Designation
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR
Conservancy Management	CM
Conservancy Waterway	CW
Urban Residential	UR
Urban Stable	US
Urban Harborfront	UH
Urban Maritime	UM
Urban General	UG
Urban Industrial	UI

C. The purpose and locational criteria for each shoreline environment designation are described below.

1. Conservancy Navigation (CN) Environment.

   a. Purpose. The purpose of the CN Environment is to preserve open water for navigation,

   b. Locational Criteria. Submerged lands used as a fairway for vessel navigation,

   c. Submerged lands seaward of the Outer Harbor Line, Construction Limit Line or other navigational boundary which are not specifically designated or shown on the Official Land Use Map shall be designated Conservancy Navigation;

2. Conservancy Preservation (CP) Environment.

   a. Purpose. The purpose of the CP Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. Protection of such areas is in the public interest.

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b. Locational Criteria. Dry or submerged lands owned by a public agency and possessing particularly fragile biological, geological or other natural resources which warrant preservation or restoration;

3. Conservancy Recreation (CR) Environment.

a. Purpose. The purpose of the CR shoreline environment is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. While the natural environment is not maintained in a pure state, the activities to be carried on provided minimal adverse impact. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the shorelines. Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities.

b. Locational Criteria.

(1) Dry or submerged lands generally owned by a public agency and developed as a park, where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development,

(2) Residentially zoned submerged lands in private or public ownership located adjacent to dry lands designated Urban Residential where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development;

4. Conservancy Management (CM) Environment.

a. The purpose of the CM shoreline environment is to conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community.

b. Locational Criteria.

(1) Dry or submerged land in sensitive areas generally owned by a public agency, developed with a major public facility, including navigation locks, sewage treatment plants, ferry terminals and public and private parks containing active recreation areas,

(2) Waterfront lots containing natural beaches or a natural resource such as fish migration routes or fish feeding areas which require management but which are compatible with recreational development;

5. Conservancy Waterway (CW) Environment.

a. Purpose. The purpose of the CW Environment is to preserve the waterways for navigation and commerce, including public access to and from water areas. Since the waterways are public ways for water transport, they are designated CW to provide navigational access to adjacent properties, access to and from land for the loading and

unloading of watercraft and temporary moorage.

b. Locational Criteria. Waterways on Lake Union and Portage Bay;

6. Urban Residential (UR) Environment.

a. Purpose. The purpose of the UR environment is to protect residential areas.

b. Locational Criteria.

(1) Areas where the underlying zoning is Single-family or Multifamily residential,

(2) Areas where the predominant development is Single-family or Multifamily residential,

(3) Areas where steep slopes, shallow water, poor wave protection, poor vehicular access or limited water access make water-dependent uses impractical,

(4) Areas with sufficient dry land lot area to allow for residential development totally on dry land;

7. Urban Stable (US) Environment.

a. Purpose.

(1) Provide opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-dependent recreational uses and by permitting nonwater dependent commercial uses if they provide substantial public access and other public benefits,

(2) Preserve and enhance views of the water from adjacent streets and upland residential areas,

(3) Support water-dependent uses by providing services such as marine-related retail and moorage.

b. Locational Criteria.

(1) Areas where the underlying zoning is Commercial or Industrial,

(2) Areas with small amounts of dry land between the shoreline and the first parallel street, with steep slopes, limited truck and rail access or other features making the area unsuitable for water-dependent or water-related industrial uses,

(3) Areas with large amounts of submerged land in relation to dry land and sufficient wave protection for water-dependent recreation,

(4) Areas where the predominant land use is water-dependent recreational or nonwater-dependent commercial;

8. Urban Harborfront (UH) Environment.

a. Purpose. The purpose of the UH Environment is to encourage economically viable

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water-dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and enhance elements of historic and cultural significance and preserve views of Elliott Bay and the land forms beyond.

b. Locational Criteria.

(1) Areas where the underlying zoning is a Downtown zone,

(2) Areas in or adjacent to a State Harbor Area,

(3) Areas where the water area is developed with finger piers and transit sheds;

9. Urban Maritime (UM) Environment.

a. Purpose. The purpose of the UM environment is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets. Public access shall be second in priority to water-dependent uses unless provided on street ends, parks or other public lands.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial or Commercial 2,

(2) Areas with sufficient dry land for industrial uses but generally in smaller parcels than in UI environments,

(3) Areas developed predominantly with water-dependent manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses,

(4) Areas with concentrations of state waterways for use by commerce and navigation,

(5) Areas near, but not necessarily adjacent to residential or neighborhood commercial zones which require preservation of views and protection from the impacts of heavy industrialization;

10. Urban General (UG) Environment.

a. Purpose. The purpose of the UG environment is to provide for economic use of commercial and manufacturing areas which are not suited for full use by water-dependent businesses. Public access or viewing areas shall be provided by nonwater-dependent uses where feasible.

b. Locational Criteria.

(1) Areas with little or no water access, which makes the development of water-dependent uses impractical,

(2) Areas where the underlying zoning is Commercial 2 or Industrial,

(3) Areas developed with nonwater-dependent manufacturing, warehouses, or offices;

11. Urban Industrial (UI) Environment.

a. Purpose. The purpose of the Urban Industrial environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial,

(2) Areas with large amounts of level dry land in large parcels suitable for industrial use,

(3) Areas with good rail and truck access,

(4) Areas adjacent to or part of major industrial centers which provide support services for water-dependent and other industry,

(5) Areas where predominant uses are manufacturing warehousing, major port cargo facilities or other similar uses.

D. Submerged Lands. The environmental designation given to waterfront dry land shall be extended to the outer Harbor Line, Construction Limit Line, or other navigational boundary on Lake Union, on Portage Bay, in industrially zoned areas, and in the Urban Harborfront area. On Puget Sound, Lake Washington and Green Lake submerged lands shall be designated to preserve them for public or recreational purposes.

(Ord. 120691 § 19, 2001; Ord. 118408 § 9, 1996: Ord. 113466 § 2(part), 1987.)

Subchapter V - The Conservancy Navigation Environment

Part 1 Uses

23.60.240 - Uses permitted outright in the CN Environment.
23.60.242 - Special uses in the CN Environment.
23.60.244 - Conditional uses in the CN Environment.
23.60.246 - Prohibited uses in the CN Environment.
23.60.248 - Public facilities.
23.60.270 - Development standards in the CN Environment.

23.60.240 - Uses permitted outright in the CN Environment.

The following uses shall be permitted outright in the Conservancy Navigation Environment as either principal or accessory uses:

A. Navigational aids including channel markers and anchor buoys.

(Ord. 113466 § 2(part), 1987.)

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23.60.242 - Special uses in the CN Environment.

The following uses may be authorized in the CN Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Bridges;

B. Utilities lines;

C. Underwater diving areas and reefs;

D. Aquaculture;

E. Natural beach protection to prevent erosion or to enhance public access; and

F. The disposal of dredged material at authorized dredge disposal sites established as a conditional use.

(Ord. 113466 § 2(part), 1987.)

23.60.244 - Conditional uses in the CN Environment.

The following uses may be authorized in the CN Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied:

A. The establishment of an open-water dredge material disposal site pursuant to WAC 332-30-166;

B. Floating dolphins necessary for a water-dependent or water-related use;

C. Off-shore facilities necessary for a water-dependent or water-related use;

D. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;

E. Dredging necessary to:

1. Maintain or improve navigational channels,

2. Provide access to a water-dependent or water-related use,

3. Protect or enhance the natural environment, or

4. Install utility lines and bridges; and

F. The following types of landfill:

1. Landfill on submerged land which does not create dry land, if necessary to install utility lines and bridges; and

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement.

(Ord. 118793 § 21, 1997; Ord. 113466 § 2(part), 1987.)

23.60.246 - Prohibited uses in the CN Environment.

The following uses shall be prohibited as principal or accessory uses in the CN Environment:

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

D. Manufacturing uses;

E. High-impact uses;

F. Institutional uses;

G. Public facilities not authorized pursuant to Section 23.60.248;

H. All shoreline recreation uses except underwater diving areas and reefs;

I. Agricultural uses except aquaculture;

J. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and

K. Landfill that creates dry land, except for wildlife habitat mitigation or enhancement.

(Ord. 122310, § 1, 2006; Ord. 118663 § 2, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.248 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 through 23.60.244 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76,

Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 3, 1997.)

Part 2 Development Standards

23.60.270 - Development standards in the CN Environment.

In addition to development standards applicable to all environments contained in Subchapter III, General Provisions, developments in the Conservancy Navigation Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards.

(Ord. 113466 § 2(part), 1987.)

Subchapter VI - The Conservancy Preservation Environment

Part 1 Uses

23.60.300 - Uses permitted outright in the CP Environment.
23.60.302 - Special uses in the CP Environment.
23.60.304 - Conditional uses in the CP Environment.
23.60.306 - Prohibited uses in the CP Environment.
23.60.308 - Public facilities.
23.60.330 - Development standards in the CP Environment.
23.60.332 - Natural area protection in the CP Environment.
23.60.334 - Height in the CP Environment.

23.60.300 - Uses permitted outright in the CP Environment.

The following uses shall be permitted outright in the Conservancy Preservation Environment: None.

(Ord. 113466 § 2(part), 1987.)

23.60.302 - Special uses in the CP Environment.

The following uses may be authorized in the CP Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Utility lines if no reasonable alternative location exists;

B. The following shoreline recreation uses:

1. Underwater diving areas and reefs,

2. Bicycle and pedestrian paths,

3. Viewpoints;

C. Aquaculture; and

D. Natural beach protection to prevent erosion or to enhance public access.

(Ord. 113466 § 2(part), 1987.)

23.60.304 - Conditional uses in the CP Environment.

The following uses may be authorized in the CP Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied;

A. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;

B. Dredging necessary to protect or enhance the natural environment, to install utility lines, or for navigational access;

C. The following types of landfill:

1. Landfill on dry land if necessary to construct permitted uses and structures,

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill which does not create dry land if necessary for the installation of utility lines; and

D. Streets, railroads and bridges.

(Ord. 118793 § 22, 1997; Ord. 113466 § 2(part), 1987.)

23.60.306 - Prohibited uses in the CP Environment.

The following uses shall be prohibited as principal or accessory uses in the CP Environment:

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

D. Manufacturing uses;

E. High-impact uses;

F. Institutional uses except permitted shoreline recreational uses;

G. Public facilities not authorized pursuant to Section 23.60.308;

H. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;

I. Agricultural uses except aquaculture;

J. The following protective structures:

1. Bulkheads on Class I beaches, and

2. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and

K. Landfill that creates dry land except as part of wildlife or fisheries habitat.

(Ord. 122310, § 2, 2006; Ord. 118663 § 4, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.308 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 5, 1997.)

Part 2 Development Standards

23.60.330 - Development standards in the CP Environment.

All developments in the Conservancy Protection Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.332 - Natural area protection in the CP Environment.

A. Developments in the CP Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

(Ord. 113466 § 2(part), 1987.)

23.60.334 - Height in the CP Environment.

The maximum height in the CP Environment shall be fifteen (15) feet.

(Ord. 113466 § 2(part), 1987.)

Subchapter VII - The Conservancy Recreation Environment

Part 1 Uses

23.60.360 - Uses permitted outright in the CR Environment.
23.60.362 - Accessory uses permitted outright in the CR Environment.
23.60.364 - Special uses in the CR Environment.
23.60.365 - Administrative conditional uses in the CR Environment.
23.60.368 - Prohibited uses in the CR Environment.
23.60.370 - Public facilities.
23.60.390 - Development standards in the CR Environment.
23.60.392 - Natural area protection in the CR Environment.
23.60.394 - Height in the CR Environment.
23.60.396 - Lot coverage in the CR Environment.
23.60.398 - View corridors in the CR Environment.
23.60.400 - Regulated public access in the CR Environment.

23.60.360 - Uses permitted outright in the CR Environment.

The following uses shall be permitted outright in the Conservancy Recreation Environment as either principal or accessory uses:

A. Shoreline recreation uses except auto-trailered boat launching ramps; and

B. Aquaculture.

(Ord. 116325 § 3, 1992: Ord. 113466 § 2(part), 1987.)

23.60.362 - Accessory uses permitted outright in the CR Environment.

The following uses and structures are permitted outright in the CR Environment as accessory to permitted uses:

A. Piers and floats accessory to residences permitted by Section 23.60.360 A or to residences on adjacent land designated UR.

(Ord. 113466 § 2(part), 1987.)

23.60.364 - Special uses in the CR Environment.

The following uses may be authorized in the CR Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Streets necessary to serve shoreline lots;

B. Railroads and bridges;

C. Utility lines if no reasonable alternative location exists;

D. The following protective structures:

1. Natural beach protection,

2. Bulkheads to support a water-dependent or water-related use and any accessory use thereto, to enclose a permitted landfill area or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

E. Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and

F. The following types of landfill:

1. Landfill on dry land, where necessary to construct permitted uses and structures,

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill on submerged land which does not create dry land, where necessary for the installation of utility lines.

(Ord. 113466 § 2(part), 1987.)

23.60.365 - Administrative conditional uses in the CR Environment.

The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as principal or accessory use, if the criteria for administrative conditional uses in WAC 173-27-160 are satisfied:

A. Single-family dwelling units constructed partially or wholly over water and meeting the following conditions:

1. If located on a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit; and

2. If the lot has less than thirty (30) feet but at least fifteen (15) feet of dry land calculated as provided for in measurements Section 23.60.956; and

3. If the development is limited to the dry-land portion of the site, to the greatest extent possible, and particularly to the most level and stable portions of the dry-land area.

B. Development standards of the underlying zone applicable to the single-family use in a CR environment may be waived or modified by the Director to minimize the amount of development over submerged lands.

C. The following uses may be authorized in the CR Environment either as principal or accessory uses:

1. The following uses when associated with a public park:

   a. Small craft center,

   b. Boat launching ramp for auto-trailered boats,

   c. The following non-water-dependent commercial uses:

      (1) Sale and rental of small boats, boat parts and accessories,

      (2) General sales and services,

      (3) Major durables retail sales, and

      (4) Eating and drinking establishments;

2. Community yacht, boat and beach clubs when:

   a. No eating and drinking establishments are included in the use,

   b. No more than one (1) pier or float is included in the use, and

   c. Any accessory pier or float meets the standards of Section 23.60.204 for piers and floats accessory to residential development.

(Ord. 122310, § 3, 2006; Ord. 118793 § 23, 1997; Ord. 118663 § 6, 1997: Ord. 116325 § 4, 1992.)

23.60.368 - Prohibited uses in the CR Environment.

The following uses shall be prohibited as principal uses in the CR Environment:

A. Residential uses except those permitted by Section 23.60.365 A;

B. Commercial uses except those specifically permitted by Section 23.60.365 C;

C. Utility uses except utility lines;

D. Manufacturing uses;

E. High-impact uses;

F. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;

G. Public facilities not authorized pursuant to Section 23.60.370;

H. Parks and open space uses except shoreline recreation uses permitted by Section 23.60.360 A;

I. Agricultural uses except aquaculture;

J. The following shoreline protective structures:

   1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches; and

K. Landfill that creates dry land except as part of habitat mitigation or enhancement.

(Ord. 122310, § 4, 2006; Ord. 118663 § 8, 1997; Ord. 117571 § 3, 1995; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.370 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.364 through 23.60.365 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to

the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 9, 1997.)

Part 2 Development Standards

23.60.390 - Development standards in the CR Environment.

All developments in the Conservancy Recreation Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.392 - Natural area protection in the CR Environment.

A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.

B. Development in critical natural areas shall be minimized. Critical areas include: Salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

(Ord. 113466 § 2(part), 1987.)

23.60.394 - Height in the CR Environment.

A. The maximum height permitted outright in the CR Environment shall be fifteen (15) feet except as modified by subsections C through E of this section.

B. The maximum height permitted as an administrative conditional use shall be thirty (30) feet except as modified in subsections C through E.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles and chimneys may extend ten (10) feet above the maximum height limit.

2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

E. Bridges. Bridges may extend above the maximum height limits.

(Ord. 120927 § 1, 2002; Ord. 116325 § 5, 1992; Ord. 113466 § 2(part), 1987.)

23.60.396 - Lot coverage in the CR Environment.

A. Lot Coverage Regulations. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot located in the CR Environment except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

(Ord. 113466 § 2(part), 1987.)

23.60.398 - View corridors in the CR Environment.

A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots except those developed with single-family dwellings.

(Ord. 113466 § 2(part), 1987.)

23.60.400 - Regulated public access in the CR Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments containing more than four (4) units with more than one hundred (100) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development; and

b. Other nonresidential non-water-dependent developments.

2. Water-dependent uses and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter VIII - The Conservancy Management Environment

Part 1 Uses

23.60.420 - Uses permitted outright on waterfront lots in the CM Environment.

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23.60.422 - Accessory uses permitted outright in the CM Environment.
23.60.424 - Special uses permitted on waterfront lots in the CM Environment.
23.60.426 - Conditional uses permitted in the CM Environment.
23.60.428 - Council conditional uses in the CM Environment.
23.60.430 - Prohibited principal uses on waterfront lots in the CM Environment.
23.60.432 - Permitted uses on upland lots in the CM Environment.
23.60.434 - Prohibited uses on upland lots in the CM Environment.
23.60.436 - Public facilities.
23.60.450 - Development standards for the CM Environment.
23.60.452 - Critical habitat protection in the CM Environment.
23.60.454 - Height in the CM Environment.
23.60.456 - Lot coverage in the CM Environment.
23.60.458 - View corridors in the CM Environment.
23.60.460 - Regulated public access in the CM Environment.

23.60.420 - Uses permitted outright on waterfront lots in the CM Environment.

The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and

2. Utility service uses whose operations require a shoreline location, excluding communication utilities;

B. Existing yacht, boat and beach clubs;

C. Shoreline recreation;

D. Aquaculture.

(Ord. 120927 § 2, 2002; Ord. 113466 § 2(part), 1987.)

23.60.422 - Accessory uses permitted outright in the CM Environment.

The following uses and structures are permitted outright in the CM Environment as accessory to permitted uses:

A. Piers and floats accessory to residential uses permitted on adjacent UR land.

(Ord. 113466 § 2(part), 1987.)

23.60.424 - Special uses permitted on waterfront lots in the CM Environment.

The following uses may be authorized by the Director on waterfront lots in the CM Environment as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. The following commercial uses:

1. Sale or rental of large boats,

2. Marine service station, and

3. Vessel repair, minor;

B. The following transportation facility uses:

1. Recreational marina,

2. Dry boat storage,

3. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and

4. Airports, water-based;

C. Streets;

D. Bridges;

E. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

F. Public facilities, water-dependent or water-related;

G. The following institutional uses:

1. New yacht, boat and beach clubs,

2. Institute for advanced study, water-dependent or water-related,

3. Museum, water-dependent or water-related, and

4. Shoreline recreation accessory to a school, college or university;

H. The following shoreline protective structures:

1. Natural beach protection, and

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

I. Dredging, when the dredging is necessary for a water-dependent or water-related use;

J. The following types of landfill:

1. Landfill on submerged lands that does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill on submerged land that creates dry land:

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a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The development provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 122310, § 5, 2006; Ord. 113674 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.426 - Conditional uses permitted in the CM Environment.

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

a. Sale and rental of small boats, boat parts and accessories, and

b. Eating and drinking establishments;

2.. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,

b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access, and

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

B. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

2.. The use is located on a ship designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Other uses permitted outright or as special uses are not practical because of ship design or such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site;

C. Non-water-dependent commercial uses associated with a public park:

1. The following uses associated with a public park may be permitted when meeting the criteria of subsection C2:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

2.. The use is associated with a public park,

b. The use is located on a lot that does not exceed two thousand four hundred (2,400) square feet in area, and

c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.

(Ord. 122310, § 6, 2006; Ord. 118793 § 25, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.428 - Council conditional uses in the CM Environment.

Expansion of existing sewage treatment plants in the CM Environment to add capacity or a new treatment level may be authorized by the Council according to the procedures of Section 23.60.068 when:

A. A determination has been made, according to the process established in Section 23.60.066, Procedure for determination of feasible or reasonable alternative locations, that no feasible alternative exists to expanding the plant in the CM Environment. The determination as to feasibility shall be based upon the Shoreline Goals and Policies, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

B. Public access is provided along the entire length of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant. Public access shall be most important along views of the water and any other significant shoreline element; and

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C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required.

(Ord. 118793 § 26, 1997; Ord. 113466 § 2(part), 1987.)

23.60.430 - Prohibited principal uses on waterfront lots in the CM Environment.

The following uses are prohibited as principal uses on waterfront lots in the CM Environment:

A. Residential uses;

B. The following commercial uses:

1. Vessel repair, major,

2. Sale and rental of small boats, boat parts and accessories except when permitted as a conditional use,

3. General sales and services except when permitted as a conditional use,

4. Medical services,

5. Animal shelters and kennels,

6. Automotive sales and services,

7. Eating and drinking establishments except when permitted as a conditional use,

8. Lodging,

9. Heavy sales and services except major durables retail sales when permitted as a conditional use,

10. Offices,

11. Entertainment uses,

12. Research and development laboratories, and

13. Food processing and craft work uses;

C. The following transportation facilities uses:

1. Commercial moorage,

2. Tugboat services,

3. Principal use parking,

4. Vehicle storage and maintenance,

5. Non-water-dependent passenger terminals,

6. Cargo terminals,

7. Helistops and heliports, and

8. Land-based airports;

D. Railroads;

E. The following utilities:

1. Communication utilities,

2. Solid waste management,

3. Power plants,

4. New sewage treatment plants, and

5. Recycling;

F. Storage uses;

G. Manufacturing uses;

H. High-impact uses;

I. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;

J. Public facilities not authorized pursuant to Section 23.60.436 and those that are non-water-dependent;

K. Parks and open space uses except shoreline recreation;

L. Agricultural uses except aquaculture; and

M. The following shoreline protective structures:

1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

(Ord. 122310, § 7, 2006; Ord. 118663 § 10, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.432 - Permitted uses on upland lots in the CM Environment.

A. Uses Permitted Outright.

1. All uses permitted on waterfront lots shall also be permitted on upland lots;

2. Additional uses permitted outright:

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a. Institutional uses, and

b. Open space uses.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.

C. Conditional Uses. Uses permitted as conditional uses on waterfront lots are permitted as conditional uses on upland lots.

(Ord. 113466 § 2(part), 1987.)

23.60.434 - Prohibited uses on upland lots in the CM Environment.

All uses prohibited on waterfront lots are also prohibited on upland lots unless specifically permitted in Section 23.60.432.

(Ord. 113466 § 2(part), 1987.)

23.60.436 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to permitted and accessory uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.420 through 23.60.428 shall also be permitted outright, as an accessory use, as a special use, or conditional use, subject to the same use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City CouncilApproval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology may waive or modify development standards, accessory use requirements, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as

described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 11, 1997.)

Part 2 Development Standards

23.60.450 - Development standards for the CM Environment.

All developments in the Conservancy Management Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.452 - Critical habitat protection in the CM Environment.

All developments in the CM Environment shall be located and designed to minimize disturbance of any critical habitat area. "Critical habitat areas" include salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas, and other habitats.

(Ord. 113466 § 2(part), 1987.)

23.60.454 - Height in the CM Environment.

A. Maximum Height. The maximum height in the CM Environment shall be thirty (30) feet, except on Lake Washington where the maximum height for structures over water, including existing single-family residences, shall be fifteen (15) feet, and except as modified in subsections B through E of this section.

B. Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to five (5) feet above the maximum height limit. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

C. Water-dependent Uses. Cranes, mobile conveyers and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

D. Rooftop Features.

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1. Radio and television receiving aerials, flagpoles, chimneys and religious symbols for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 120117 § 43, 2000; Ord. 113466 § 2(part), 1987.)

23.60.456 - Lot coverage in the CM Environment.

A. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

(Ord. 113466 § 2(part), 1987.)

23.60.458 - View corridors in the CM Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

B. The following uses may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

23.60.460 - Regulated public access in the CM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length measured at the upland street frontage generally parallel to the water edge and which abut upon a street or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter IX - The Conservancy Waterway Environment

Part 1 Uses

23.60.480 - General provisions.
23.60.482 - Uses permitted outright in the CW Environment.
23.60.484 - Special uses in the CW Environment.
23.60.486 - Conditional uses in the CW Environment.
23.60.488 - Prohibited uses in the CW Environment.
23.60.490 - Public facilities.
23.60.510 - Development standards in the CW Environment.
23.60.512 - Temporary structures.
23.60.514 - Height.
23.60.516 - Lot coverage.
23.60.518 - View corridors.
23.60.520 - Public access.

23.60.480 - General provisions.

A. Public and nonprofit uses may be permitted as principal uses in the Conservancy Waterway Environment. All other uses shall be permitted only when either accessory to or associated with abutting uses.

B. Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments. Uses may also require separate approval from the Washington Department of Natural Resources.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

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23.60.482 - Uses permitted outright in the CW Environment.

The following uses are permitted outright in the CW Environment:

Pedestrian bridges that provide public access along or across the waterway when they connect parts of a public park.

(Ord. 122072 § 1, 2006; Ord. 113466 § 2(part), 1987.)

23.60.484 - Special uses in the CW Environment.

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.032 are satisfied:

A. Community yacht, boat and beach clubs;

B. Shoreline recreation;

C. The following commercial uses:

1. Vessel repair, minor, and

2. Rental of boats;

D. The following transportation facility uses:

1. Commercial moorage,

2. Tugboat services, and

3. Airport, water-based;

E. Museum, water-dependent;

F. Public facilities, water-dependent or water-related;

G. Shoreline protective structures;

H. Utility lines, excluding communication utilities;

I. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and

J. Landfill that does not create dry land.

(Ord. 122310, § 8, 2006; Ord. 120927 § 3, 2002; Ord. 113466 § 2(part), 1987.)

23.60.486 - Conditional uses in the CW Environment.

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Commercial uses:

1. Vessel repair, major, of historic ships;

B. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments;

2.. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.

(Ord. 122310, § 9, 2006; Ord. 118793 § 27, 1997; Ord. 113466 § 2(part), 1987.)

23.60.488 - Prohibited uses in the CW Environment.

The following uses shall be prohibited as principal and accessory uses in the CW Environment:

A. The following commercial uses:

1. Marine service station,

2. Sale of large boats,

3. Sale and rental of small boats, boat parts and accessories,

4. All non-water-dependent commercial uses except those permitted on historic ships, and

5. Vessel repair, major, except of historic ships;

B. The following transportation facility uses:

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1. Dry boat storage, and

2. Recreational marina;

C. Residential uses;

D. Institutional uses not permitted above;

E. Manufacturing uses;

F. Agricultural uses;

G. Utility uses, except utility lines;

H. High-impact uses; and

I. Landfill on submerged land that creates dry land.

(Ord. 122310, § 10, 2006; Ord. 120927 § 4, 2002; Ord. 113466 § 2(part), 1987.)

23.60.490 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven

hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 12, 1997.)

Part 2 Development Standards

23.60.510 - Development standards in the CW Environment.

All developments in the Conservancy Waterway Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.512 - Temporary structures.

A. All structures in waterways shall be floating except as permitted in subsections B and C of this section.

B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.

C. Public access improvements including structures may be permitted on dry land portions of waterways.

(Ord. 113466 § 2(part), 1987.)

23.60.514 - Height.

The height of structures permitted in waterways shall be fifteen (15) feet.

(Ord. 113466 § 2(part), 1987.)

23.60.516 - Lot coverage.

Structures shall not occupy more than thirty-five (35) percent of the entire waterway nor more than forty (40) percent of the width of the waterway.

(Ord. 113466 § 2(part), 1987.)

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23.60.518 - View corridors.

A view corridor or corridors of not less than fifty (50) percent of the width of the waterway shall be provided and maintained for all developments.

(Ord. 113466 § 2(part), 1987.)

23.60.520 - Public access.

A. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all waterways.

B. An open water area with a width of not less than fifty (50) feet for the length of the waterway shall be provided and maintained on all waterways to provide access for public navigation. The location of the open water area shall be determined by the Director.

(Ord. 113466 § 2(part), 1987.)

Subchapter X - The Urban Residential Environment

Part 1 Uses

23.60.540 - Uses permitted outright on waterfront lots in the UR Environment.
23.60.542 - Special uses permitted on waterfront lots in the UR Environment.
23.60.544 - Prohibited uses on waterfront lots in the UR Environment.
23.60.546 - Permitted uses on upland lots in the UR Environment.
23.60.548 - Prohibited uses on upland lots in the UR Environment.
23.60.550 - Public facilities.
23.60.570 - Development standards for the UR Environment.
23.60.572 - Height in the UR Environment.
23.60.574 - Lot coverage in the UR Environment.
23.60.576 - View corridors in the UR Environment.
23.60.578 - Regulated public access.

23.60.540 - Uses permitted outright on waterfront lots in the UR Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Residential Environment as either principal or accessory uses:

A. The following residential uses:

1. Floating home moorage in Lake Union or Portage Bay,

2. Single-family and multifamily residences, and

3. Congregate residences and nursing homes;

B. Streets;

C. Bridges;

D. Railroads;

E. The following utilities:

1. Utility lines, and

2. Utility service uses whose operations require a shoreline location; and

F. Shoreline recreation uses.

(Ord. 118793 § 28, 1997: Ord. 113466 § 2(part), 1987.)

23.60.542 - Special uses permitted on waterfront lots in the UR Environment.

The following uses may be authorized on waterfront lots in the UR Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. The following institutional uses:

1. Community center that provides shoreline recreation, and

2. Community yacht, boat, and beach clubs;

B. The following shoreline protective structures:

1. Natural beach protection, and

2. Bulkheads to support a water-dependent or water-related use, to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent or water-related uses;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill on submerged land which creates dry land where necessary for a water-dependent or water-related use, provided that if more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

a. No reasonable alternative to the landfill exists,

b. The landfill provides a clear public benefit, and

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c. The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.544 - Prohibited uses on waterfront lots in the UR Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

A. Commercial uses;

B. Transportation facility uses;

C. Storage uses;

D. The following utilities:

1. Major and minor communication utilities,

2. Solid waste management,

3. Power plants,

4. Sewage treatment plants, and

5. Recycling;

E. Manufacturing uses;

F. High-impact uses;

G. The following institutional uses:

1. Institutions, non-water-dependent,

2. Private yacht, boat and beach clubs;

H. Public facilities not authorized pursuant to Section 23.60.550;

I. Agricultural uses;

J. Parks and open space uses except shoreline recreation;

K. The following shoreline protective structures:

1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

(Ord. 122310, § 11, 2006; Ord. 120927 § 5, 2002; Ord. 118663 § 13, 1997; Ord. 118415 § 2, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.546 - Permitted uses on upland lots in the UR Environment.

A. Uses permitted outright in the UR Environment:

1. Uses permitted outright on waterfront lots are permitted outright on upland lots;

2. Additional uses permitted outright:

a. Institutional uses, and

b. Open space uses.

B. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.

(Ord. 113466 § 2(part), 1987.)

23.60.548 - Prohibited uses on upland lots in the UR Environment.

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.546.

(Ord. 113466 § 2(part), 1987.)

23.60.550 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 shall also be permitted outright or as a special use, subject to the same use regulations, development standards, and special use requirements that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards or special use requirements for those uses in public facilities that are similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards or special use requirements according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as

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described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 14, 1997.)

Part 2 Development Standards

23.60.570 - Development standards for the UR Environment.

All development in the Urban Residential Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.572 - Height in the UR Environment.

A. Maximum Height. The maximum height in the UR Environment shall be thirty (30) feet except as modified by subsections B through E of this section.

B. The maximum height on upland lots on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest shall be sixty (60) feet.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the maximum height established in subsection A or B above. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge; and

d. Chimneys.

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 120927 § 6, 2002; Ord. 120117 § 44, 2000; Ord. 113466 § 2(part), 1987.)

23.60.574 - Lot coverage in the UR Environment.

A. Structures including floats and piers shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified in subsection B.

B. Lot Coverage Exceptions.

1. Floating home moorages shall meet the lot coverage provisions in Section 23.60.196, Floating homes.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of a lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.

4. On multifamily zoned lots, the lot coverage percentage of the underlying zone shall apply.

(Ord. 118793 § 29, 1997: Ord. 113466 § 2(part), 1987.)

23.60.576 - View corridors in the UR Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CH by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

23.60.578 - Regulated public access.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than seventy-five (75) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and

c. Marinas, except as exempted by Section 23.60.200 E.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent uses other than marinas and water-related uses; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XI - The Urban Stable Environment

Part 1 Uses

23.60.600 - Uses permitted outright on waterfront lots in the US Environment.
23.60.602 - Special uses on waterfront lots in the US Environment.
23.60.604 - Conditional uses on waterfront lots in the US Environment.
23.60.606 - Prohibited uses on waterfront lots in the US Environment.
23.60.608 - Permitted uses on upland lots in the US Environment.

23.60.610 - Prohibited uses on upland lots in the US Environment.
23.60.612 - Public facilities.
23.60.630 - Development standards for the US Environment.
23.60.632 - Height in the US Environment.
23.60.633 - Maximum size limits in the US Environment.
23.60.634 - Lot coverage in the US Environment.
23.60.636 - View corridors in the US Environment.
23.60.638 - Regulated public access.
23.60.640 - Location of uses.
23.60.642 - Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

23.60.600 - Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

A. The following residential uses:

1. Residences on dry land when the underlying zoning is Residential Commercial (RC) and when the residential use is located above the ground floor of a structure containing nonresidential uses on the ground floor,

2. Existing residences on dry land provided there is no increase in the number of units,

3. Existing over-water single-family residences provided there is no additional water coverage, and

4. Floating home moorages or the expansion of floating home moorages, when:

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

(1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code, or

(2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating-home owner arising out of a legal action for eviction,

c. No more than one (1) such moorage or moorage expansion is permitted per lot established as of April 1, 1987, and

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of December 31, 1987;

B. The following commercial uses:

1. Marine sales and services,

2. Food processing, water-related, and

3. Wholesale showroom, water-related;

C. Storage uses, water-related;

D. The following transportation facility uses:

1. Passenger terminals, water-dependent,

2. Boat moorage,

3. Dry boat storage, and

4. Tugboat services;

E. . The following non-water-dependent commercial uses on dry land when the requirements of subsection E2 are met:

a. General sales and services,

b. Major durables retail sales,

c. Eating and drinking establishments,

d. Offices outside the Lake Union area,

e. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground-floor level, and parking on the ground-floor level is limited to required parking,

f. Entertainment uses, and

g. Custom and craft work,

2. The uses listed in subsection E1 shall be permitted when a water- dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

a. Facilities for the moorage, restoration, or reconstruction of one (1) or more historic vessels,

b. Terminal facilities for one (1) or more cruise ships, harbor tour boats, or foot passenger ferries,

c. More than five hundred (500) lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities,

d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application,

e. More than one thousand five hundred (1,500) lineal feet of saltwater moorage for

recreational vessels,

f. A major public open space, occupying at least one-third (1/3) of the dry-land lot area, that includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space, or

g. Other facilities or amenities similar to those listed above that provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

F. Streets, railroads and bridges;

G. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

H. Light and general manufacturing uses, water-dependent or water-related;

I. Water-dependent or water-related institutions or facilities of institutions, except non-water-dependent facilities of yacht, boat and beach clubs;

J. Yacht, boat or beach clubs which have non-water-dependent facilities, provided that such facilities may be located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

K. Public facilities, water-dependent or water-related;

L. Open space uses; and

M. Aquaculture.

(Ord. 122771, § 1, 2008; Ord. 122310, § 12, 2006; Ord. 120927 § 7, 2002; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.602 - Special uses on waterfront lots in the US Environment.

The following uses may be authorized on waterfront lots in the US Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Airport, water-based;

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B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging, when the dredging is:

1. Necessary for a water-dependent or water-related use,

2. Necessary for the installation of a utility line;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill which creates dry land:

a.. When the dry land is necessary for the operation of a water-dependent or water-related use, and

ii. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.604 - Conditional uses on waterfront lots in the US Environment.

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Residential uses:

1. New single-family and multifamily dwelling units and artist studio dwellings on the dry land portion of the lot when:

a. Not located near uses which are normally incompatible with residential use because of

factors such as noise, air and water pollutants, or aesthetic values protected by this chapter,

b. Located above the ground floor of a structure containing nonresidential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor,

c. Located near other residences on waterfront lots,

d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of the following characteristics:

(1) Existing piers or other structures suitable for use by a water-dependent use,

(2) Adequate amounts of submerged and dry lands, or

(3) Adequate water depth and land slope,

2. Reserved.

3. Floating home moorages in Lake Union or Portage Bay when:

a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,

b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,

c. The structural bulk of the floating home development will not adversely affect surrounding development, and

d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;

B. The following non-water-dependent uses located over water on lots with a depth of less than fifty (50) feet of dry land:

1. Eating and drinking establishments meeting the criteria of subsection E2 of Section 23.60.600,

2. Marine sales and services,

3. General sales and service uses,

4. Entertainment uses, and

5. Custom and craft work;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

2.. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are impractical because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.

(Ord. 122310, § 13, 2006; Ord. 119871 § 1, 2000; Ord. 118793 § 30, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.606 - Prohibited uses on waterfront lots in the US Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and services,

5. Lodging,

6. Food processing, non-water-dependent,

7. Heavy sales and services except water-related wholesale showrooms,

8. Ground-level offices in the Lake Union area,

9. Research and development laboratories, and

10. Off-premises signs;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals,

5. Transit vehicle bases,

6. Helistops and heliports, and

7. Airports, land-based;

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste management,

3. Power plants,

4. Recycling uses,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

G. Storage uses;

H. Public facilities not authorized pursuant to Section 23.60.612 and those that are non-water-dependent;

I. Institutional uses, non-water-dependent;

J. Agricultural uses except aquaculture; and

K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system.

(Ord. 122771, § 2, 2008; Ord. 122310, § 14, 2006; Ord. 120927 § 8, 2002; Ord. 118663 § 15, 1997;

Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.608 - Permitted uses on upland lots in the US Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

(1) Medical services,

(2) Animal shelters and kennels,

(3) Pet grooming,

(4) Automotive sales and service,

(5) Lodging,

(6) Heavy sales and service,

(7) Research and development laboratories, and

(8) Ground-level offices in the Lake Union area;

c. Parking, principal use;

d. Storage uses;

e. Light and general manufacturing uses;

f. Institutional uses; and

g. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

(Ord. 122310, § 15, 2006; Ord. 118793 § 31, 1997; Ord. 113466 § 2(part), 1987.)

23.60.610 - Prohibited uses on upland lots in the US Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.608.

(Ord. 113466 § 2(part), 1987.)

23.60.612 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to

the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 16, 1997.)

Part 2 Development Standards

23.60.630 - Development standards for the US Environment.

All developments in the Urban Stable Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.632 - Height in the US Environment.

A. Maximum Height. The maximum heights in the US Environment shall be as follows, as modified in subsections B through E of this section:

1. The maximum height shall be thirty (30) feet in all locations except those listed in subsections A2 through A4;

2. The maximum height on upland lots along Westlake Avenue North shall be as follows:

a. Fremont Bridge to Newton Street-forty (40) feet,

b. South of Newton Street-sixty-five (65) feet.

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five (65) feet.

4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street shall be forty (40) feet.

B. Height Exemptions for Water-Dependent Uses.

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five (35) feet, with or without a flat roof, by the Director when:

a. Not more than twenty-five (25) percent of the lot area would be at an increased height; and

b. The views of a substantial number of upland residences would not be blocked by the increased height.

2. Water-dependent Uses. Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched Roofs. In areas with a maximum height limit of thirty (30) or forty (40) feet, the ridge of pitched roofs on principal structures may extend up to five (5) feet above the height permitted. All parts

of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge.

E. Bridges. Bridges may extend above the maximum height limits.

(Ord. 120927 § 9, 2002; Ord. 120117 § 45, 2000; Ord. 113466 § 2(part), 1987.)

23.60.633 - Maximum size limits in the US Environment.

Non-water-dependent offices allowed above the ground floor on waterfront lots in the Lake Union area shall be limited in gross floor area to a ratio of one (1) square foot of floor area per one (1) square foot of dry-land lot area (i.e., FAR of one (1)), but shall not exceed a maximum of ten thousand (10,000) square feet.

(Ord. 117571 § 4, 1995: Ord. 116398 § 1, 1992.)

23.60.634 - Lot coverage in the US Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot.

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots.

1. Structures are permitted to occupy one hundred (100) percent of an upland lot except as modified in subsection B2 or C below.

2. On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and non-water-dependent commercial uses shall not exceed a lot coverage of fifty (50) percent.

C. Lot Coverage Exceptions.

1. On waterfront lots with less than an average of fifty (50) feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five (65) percent is permitted on the dry-land portion of the lot.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.

(Ord. 113466 § 2(part), 1987.)

23.60.636 - View corridors in the US Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

B. View corridors are not required for single-family residential development.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

D. The required view corridor width shall be reduced to twenty-five (25) percent of the width of the lot when water-dependent or water-related uses occupy more than forty (40) percent of the dry land area of the lot.

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;

2. Dry boat storage; and

3. Parking for both water-dependent and non-water-dependent uses.

(Ord. 122310, § 16, 2006; Ord. 113466 § 2(part), 1987.)

23.60.638 - Regulated public access.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than one hundred (100) feet of shoreline, except when uses located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Developments containing non-water-dependent offices in the Lake Union area;

c. Other non-water-dependent uses, except those on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;

d. Marinas, except as exempted by Section 23.60.200 E; and

e. Yacht, boat and beach clubs which have non-water-dependent facilities over water.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent and water-related uses, except yacht, boat and beach clubs which have non-water-dependent facilities over water, and marinas; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.

(Ord. 116398 § 2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.640 - Location of uses.

A. When a use is permitted only above the ground-floor level,

1. Permitted uses other than residential or office uses shall occupy no less than fifty (50) percent of the ground-floor level;

2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty (50) percent of the ground-floor level; and

3. All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of Ground-floor Level. The ground-floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A3.

(Ord. 113466 § 2(part), 1987.)

23.60.642 - Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

Subchapter XII - Urban Harborfront Environment

Part 1 Uses

23.60.660 - Uses permitted outright on waterfront lots in the UH Environment.
23.60.662 - Special uses permitted on waterfront lots in the UH Environment.
23.60.664 - Administrative conditional uses permitted on waterfront lots in the UH Environment.
23.60.666 - Council conditional uses permitted on waterfront lots in the UH Environment.
23.60.668 - Prohibited uses on waterfront lots in the UH Environment.
23.60.670 - Permitted uses on upland lots in the UH Environment.
23.60.672 - Prohibited uses on upland lots in the UH Environment.
23.60.690 - Development standards for the UH Environment.
23.60.692 - Height in the UH Environment.
23.60.694 - Lot coverage in the UH Environment.
23.60.696 - Side setbacks in the UH Environment.
23.60.698 - View corridors in the UH Environment.
23.60.700 - Moorage requirements in the UH Environment.
23.60.702 - Regulated public access in the UH Environment.
23.60.704 - Historic Character Area review criteria.

23.60.660 - Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

A. The following commercial uses:

1. General sales and services,

2. Marine sales and services,

3. Eating and drinking establishments,

4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,

5. Offices when located above wharf level,

6. Entertainment uses,

7. Research and development laboratories, water-dependent, and

8. Food processing and craft work uses;

B. The following transportation facilities:

1. Parking over water when accessory to a water-dependent or water- related use,

2. Parking on dry land when accessory to a permitted use,

3. Passenger terminals, water-dependent,

4. Breakbulk cargo terminals,

5. Boat moorage,

6. Dry boat storage, and

7. Tugboat services;

C. Light manufacturing uses, water-dependent or water-related;

D. Streets, railroads and bridges;

E. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,

2. Maritime museums,

3. Colleges that have water-dependent or water-related facilities,

4. Community centers,

5. Vocational schools, water-dependent or water-related,

6. Community yacht, boat, and beach clubs, and

7. Child care centers when located above wharf level;

F. The following public facilities:

1. Public facilities, water-dependent or water-related, and

2. Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;

G. Shoreline Recreation;

H. Aquaculture; and

I. Minor communication utilities, except freestanding transmission towers.

(Ord. 122771, § 3, 2008; Ord. 122310, § 17, 2006; Ord. 120927 § 10, 2002; Ord. 113466 § 2(part), 1987.)

23.60.662 - Special uses permitted on waterfront lots in the UH Environment.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. The following utilities:

1. Utility service uses that require a shoreline location, and

2. Utility lines;

B. The following shoreline protective structures:

1. Natural beach protection, and

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.

(Ord. 120927 § 11, 2002; Ord. 119929 § 2, 2000: Ord. 113466 § 2(part), 1987.)

23.60.664 - Administrative conditional uses permitted on waterfront lots in the UH Environment.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. The following commercial uses:

1. Wholesale showrooms, and

2. Research and development laboratories, non-water-dependent;

B. The following storage uses:

1. Outdoor storage, water-related or water-dependent, and

2. Warehouses, water-related or water-dependent;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments,

2.. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site, unless the proposed site is within the Historic Character Area;

D. Light manufacturing uses, non-water-dependent, that:

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

3. Are located to accommodate water-dependent or water-related uses on site;

E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

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3. Colleges, and

4. Vocational schools.

(Ord. 122310, § 18, 2006; Ord. 118793 § 32, 1997; Ord. 118663 § 17, 1997: Ord. 116907 § 10, 1993: Ord. 116616 § 9, 1993: Ord. 113466 § 2(part), 1987.)

23.60.666 - Council conditional uses permitted on waterfront lots in the UH Environment.

A. Water-dependent Incentive.

1. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Procedure for Council conditional use authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.

2. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

a. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

b. Siting of project components shall be designed to facilitate the operation of the water-dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

c. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

(1) Area. A minimum of twenty thousand (20,000) square feet or square footage equivalent to twenty (20) percent of the developed lot area, whichever is greater, shall be dedicated to water-dependent use.

(2) Moorage. The moorage required by Section 23.60.700 shall not be calculated as part of the major water-dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water-dependent use.

(3) Lot coverage. An increase in the base lot coverage from fifty (50) percent to a maximum of sixty-five (65) percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694 C, shall not occupy more than sixty-five (65) percent of the submerged land and sixty-five (65) percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:

(a) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;

(b) Promote an overall massing of the pier superstructure to reflect some of the

qualities of traditional pier development;

(c) Site view corridors and public access areas to reduce the appearance of building bulk over water; and

(d) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.

d. Height. The Council may permit increases in building height up to sixty (60) or seventy-five (75) feet above Alaskan Way in the areas shown on Exhibit 23.60.666. (See Exhibit 23.60.666.) Structure heights of seventy-five (75) feet shall be permitted only on dry-land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five (45) feet, as measured from Alaskan Way, shall not occupy more than forty (40) percent of the submerged land and forty (40) percent of the dry land of the lot. Heights above forty-five (45) feet shall not be permitted within one hundred (100) feet of the Outer Harbor Line. To exceed forty-five (45) feet, the development should accomplish the following objectives:

(1) Maintain views from upland public spaces and rights-of-way;

(2) Ensure structure heights that provide a transition to the lower pier structures in the Historic Character Area;

(3) Maintain a structure height along Alaskan Way frontage that is consistent with existing pier development, maximizes solar access to Alaskan Way and establishes a scale of development in keeping with the pedestrian character; and

(4) Provide a transition in height and scale between the waterfront and abutting upland development.

e. Public Access. Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses:

(1) Public access shall be provided approximately equivalent to fifteen (15) percent of the lot coverage or five thousand (5,000) square feet, whichever is greater, except as provided in subsection A2e(2)(c) below.

(2) Area designated for public access shall be subject to the following conditions:

(a) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;

(b) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;

(c) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;

(d) To qualify as public access, an area shall be directly accessible from Alaskan Way and clearly related to public open spaces. Efforts should also be made to physically and visually link public access areas over water with the east/west streets providing links to upland areas;

(e) The public access area shall provide the public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on over-water structures providing maximum exposure to the bay and surrounding activity;

(f) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;

(g) Up to fifty (50) percent of the total public access area may be covered, provided that at least fifty (50) percent of the perimeter of any covered area is open to views of the water;

(h) A portion of the required public access area, not to exceed fifty (50) percent, may be provided at an elevation exceeding two (2) feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty (50) percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

f. View Corridors. View corridors shall be provided equivalent to thirty (30) percent of the street frontage of the lot. The following conditions for view corridors shall be met:

(1) View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;

(2) View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

(3) View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

(4) Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

B. Helistops may be authorized over water or on dryland portions of waterfront lots in the UH Environment by the City Council according to the procedures of Section 23.60.068, with concurrence of the Department of Ecology, as either principal or accessory uses if both the criteria for conditional uses in WAC 173-27-160 and the following criteria are satisfied:

1. The helistop is for takeoff and landing of helicopters which serve a public safety, news

gathering or emergency medical care function, is part of an approved transportation plan and is a public facility, or is part of an approved transportation plan and located at least two thousand (2,000) feet from a residential zone;

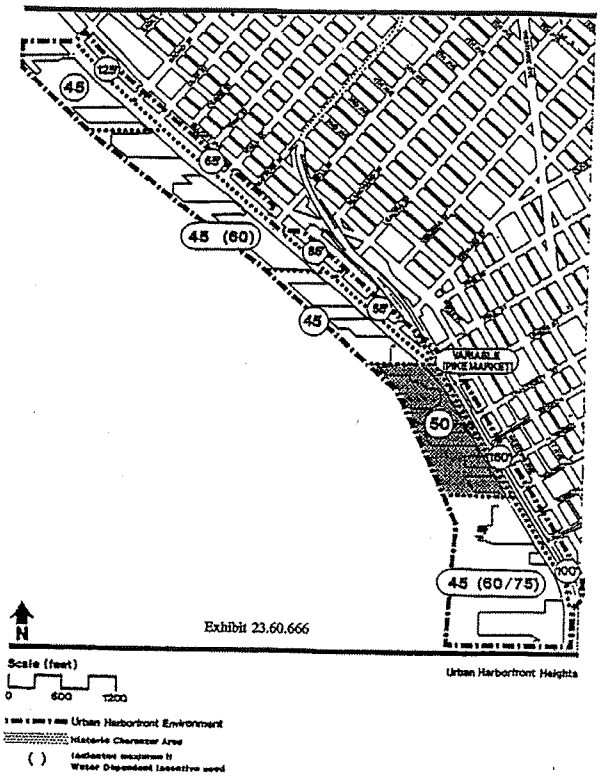
2. The helistop is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;

3. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;

4. Open areas and landing pads shall be hardsurfaced; and

5. The helistop meets all federal requirements including those for safety, glide angles and approach lanes.

(Ord. 118663 § 18, 1997: Ord. 118415 § 3, 1996; Ord. 113466 § 2(part), 1987.)



23.60.668 - Prohibited uses on waterfront lots in the UH Environment.

The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

A. Residential uses;

B. The following commercial uses:

1. Medical services,
2. Animal shelters and kennels,
3. Pet grooming,
4. Automotive sales and service,
5. Lodging, except existing hotels,
6. Offices at wharf/street level,
7. Adult motion picture theaters and panorams, and
8. Heavy sales and services except wholesale showrooms and major durables retail sales;

C. The following transportation facilities:

1. Parking, principal use,
2. Personal transportation services,
3. Cargo terminals, except breakbulk,
4. Bus bases,
5. Heliports,
6. Airports, land-based, and
7. Airports, water-based;

D. Mini-warehouses,

E. The following utilities:

1. Solid waste management,
2. Power plants,
3. Sewage treatment plants,
4. Recycling,
5. Major communication utilities, and
6. Freestanding transmission towers for minor communication utilities;

F. General and heavy manufacturing;

G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

I. High-impact uses;

J. Agriculture uses except aquaculture;

K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and

L. Landfill that creates dry land.

(Ord. 122310, § 19, 2006; Ord. 120927 § 12, 2002; Ord. 119929 § 3, 2000: Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.670 - Permitted uses on upland lots in the UH Environment.

A. Uses Permitted Outright. The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:

1. Uses permitted outright on waterfront lots in the UH environment;

2. Additional uses permitted outright on upland lots:

a. Residential uses,

b. The following commercial uses:

(1) Heavy sales and services,

(2) Medical services,

(3) Lodging,

(4) Offices at street level,

c. The following transportation facilities,

(1) Parking garages, principal use,

(2) Surface parking areas, principal use,

(3) Personal transportation services,

d. Warehouses,

e. Institutions, and

f. Public facilities.

(Ord. 122310, § 20, 2006; Ord. 113466 § 2(part), 1987.)

23.60.672 - Prohibited uses on upland lots in the UH Environment.

Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670.

(Ord. 113466 § 2(part), 1987.)

Part 2 Development Standards

23.60.690 - Development standards for the UH Environment.

All developments in the Urban Harborfront Environment shall meet the requirements of Part 2, except when the Water-dependent Incentive Development Standards of Section 23.60.666 apply, as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.692 - Height in the UH Environment.

A. Waterfront Lots. The maximum height in the UH Environment shall be forty-five (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet tall as measured from Alaskan Way, except as modified by subsection C below.

B. Upland Lots. The maximum height shall be fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection C3c does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total

includes stair or elevator penthouses or screened mechanical equipment:

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

(4) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.

d. Radio and television receiving antennas, excluding dishes; religious symbols for religious institutions; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

(Ord. 120927 § 13, 2002; Ord. 120117 § 46, 2000; Ord. 113466 § 2(part), 1987.)

23.60.694 - Lot coverage in the UH Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot, except as modified by subsection C below; and

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions. Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred (3,600) square feet or an area equivalent to twelve (12) feet times the length of the pier, whichever is greater. An additional four hundred (400) square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit.

(Ord. 113466 § 2(part), 1987.)

23.60.696 - Side setbacks in the UH Environment.

To facilitate access to moorage as required by Section 23.60.700, a side setback of fifty (50) feet from the nearest lot shall be required of all fixed pier structures, not including moorage floats. One-half (½) of an adjacent submerged street right-of-way may be used in meeting this requirement.

(Ord. 113466 § 2(part), 1987.)

23.60.698 - View corridors in the UH Environment.

A. Waterfront Lots.

1. The following standards shall apply to waterfront lots:

a. A view corridor with a width of not less than thirty (30) percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;

b. The view corridor may be provided at two (2) locations, provided that each location has a minimum width of twenty (20) feet.

2. The following may be located in a required view corridor:

a. Storage of boats undergoing repair,

b. Open wet moorage, and

c. Outdoor storage of items accessory to water-dependent or water-related use.

3. One-half (½) of an adjacent submerged street right-of-way may be used in meeting view corridor requirements.

B. Upland Lots. No view corridors are required.

(Ord. 113466 § 2(part), 1987.)

23.60.700 - Moorage requirements in the UH Environment.

A. Developments in the UH Environment shall provide moorage on a regular basis either through:

1. Using moorage as an integral part of their operation;

2. Leasing their moorage for use by commercial or recreational watercraft; or

3. Actively advertising the availability of transient moorage.

B. To facilitate moorage, developments shall provide either:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred (100) feet in length;

2. Floats, for moorage of smaller vessels, that are at least one thousand eight hundred (1,800) square feet with a minimum width of six (6) feet; or

3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage, developments shall provide:

1. A pier apron of a minimum width of eighteen (18) feet on each side and the seaward end of the pier or wharf; and

2. Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.

D. Exception for Marinas. Marinas in the UH Environment shall meet the specific development standards outlined in Section 23.60.200 in lieu of the moorage requirements of this section, and shall provide transient moorage at the rate of forty (40) lineal feet of transient space for each one thousand (1,000) lineal feet of permanent moorage space.

(Ord. 113466 § 2(part), 1987.)

23.60.702 - Regulated public access in the UH Environment.

A. Waterfront Lots. The following standards shall apply to waterfront lots except as provided in subsection C below:

1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen (15) percent of the developed lot area or five thousand (5,000) square feet, whichever is greater.

2. Developments shall provide at least a ten (10) foot wide public access walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier apron.

B. Upland Lots. Public access is not required.

C. Public Access Exceptions. Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and

2. Alternative access criteria of Section 23.60.160 cannot be satisfied.

(Ord. 113466 § 2(part), 1987.)

23.60.704 - Historic Character Area review criteria.

A. Location. All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this section.

B. Review Process. All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Neighborhoods for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five (45) days of receipt of an application by the Landmarks Preservation Board and the Department of Neighborhoods.

C. Review Standards. New construction or modification of existing structures shall be reviewed using the following criteria:

1. The single linear form of the pier shed shall be maintained or reconstructed, regardless of the

division of internal space.

2. Facades of pier ends may be expanded or treated differently from the rest of the pier shed; however, major alterations to the pier shed form are discouraged.

3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.

4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its pier shed shall be preserved.

5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

6. Windows, doors, and openings composed of small-scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.

7. Heavy timber construction using a truss system shall be maintained for existing piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap siding.

8. The pier aprons shall be surfaced with timber.

9. Each pier shall have the pier number clearly identified on both the street end and water end of the pier shed. For all exterior signage, large simple graphics painted directly on the building are preferred. Exterior neon signs are discouraged.

10. Landscaping shall not be required. When it is provided, smaller-scale installations of landscaping related to uses at the wharf level, including colorful seasonal plantings, shall be preferred.

11. Exterior lighting should be in keeping with the historic nature of the area. Localized lighting shall be used to illuminate specific areas and define routes.

12. The existing railing along the Alaskan Way Seawall should be maintained or reconstructed.

(Ord. 116744 § 28, 1993; Ord. 113466 § 2(part), 1987.)

Subchapter XIII - The Urban Maritime Environment

Part 1 Uses

23.60.720 - Uses permitted outright on waterfront lots in the UM Environment.
23.60.722 - Special uses on waterfront lots in the UM Environment.
23.60.724 - Conditional uses on waterfront lots in the UM Environment.
23.60.728 - Prohibited uses on waterfront lots in the UM Environment.
23.60.730 - Permitted uses on upland lots in the UM Environment.
23.60.732 - Prohibited uses on upland lots in the UM Environment.
23.60.734 - Public facilities.

23.60.750 - Development standards for the UM Environment.
23.60.752 - Height in the UM Environment.
23.60.754 - Lot coverage in the UM Environment.
23.60.756 - View corridors in the UM Environment.
23.60.758 - Regulated public access in the UM Environment.
23.60.760 - Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

23.60.720 - Uses permitted outright on waterfront lots in the UM Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Maritime Environment as either principal or accessory uses:

A. The following commercial uses:

1. Marine sales and services, except sale and rental of small boats, boat parts and accessories,

2. Wholesale showrooms, water- dependent or water-related, and

3. Food processing, water-dependent or water-related;

B. The following transportation facilities:

1. Tugboat services,

2. Passenger terminals, water-dependent,

3. Cargo terminals, water-dependent or water-related,

4. Commercial moorage, except covered wet commercial moorage on Lake Union and Portage Bay, and

5. Dry boat storage;

C. The following storage uses:

1. Warehouses, water-dependent or water-related, and

2. Outdoor storage, water-dependent or water-related;

D. Streets, railroads and bridges;

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

F. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and

universities,

2. Shoreline recreation facilities of schools, colleges and universities, and

3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;

G. Light and general manufacturing uses, water-dependent or water-related;

H. Public facilities, water-dependent or water-related;

I. Shoreline recreation uses; and

J. Aquaculture.

(Ord. 122771, § 4, 2008; Ord. 122310, § 21, 2006; Ord. 120927 § 14, 2002; Ord. 113466 § 2(part), 1987.)

23.60.722 - Special uses on waterfront lots in the UM Environment.

The following uses may be authorized on waterfront lots in the UM Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. Water-based aircraft facilities;

B. Heavy manufacturing uses, water-dependent or water-related;

C. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

D. Dredging when necessary for water-dependent and water-related uses;

E. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement,

4. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is placed, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists, and

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.724 - Conditional uses on waterfront lots in the UM Environment.

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs that do not have eating and drinking establishments and recreational marinas when:

1.. The yacht, boat or beach club or marina is not located where frequent interference with the turning basins or navigational areas for large vessels or other conflict with shipping is likely to occur, and

b. The yacht, boat or beach club or marina is not located where likely to conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors, and

2. The yacht, boat or beach club or marina is located on a lot that is not suited for a water-dependent or water-related manufacturing use, or for a permitted water-dependent commercial use other than a yacht, boat or beach club or a marina because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided, yacht, boat or beach clubs may have non-water-dependent facilities located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth, and

2. Location of such facilities on the dry-land portion of the lot is not feasible;

B. Non-water-dependent commercial and manufacturing uses:

1. The following non-water-dependent commercial, storage and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Eating and drinking establishments,

d. Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse, mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

2. The above uses are permitted on dry land when:

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial;

D. Non-water-dependent uses on historic vessels:

1. The following uses may be permitted on a historic vessel when meeting the criteria in subsection D2 below:

a. Sale of boat parts and accessories, and

b. Entertainment uses, such as banquet facilities;

2. In determining whether to permit non-water-dependent uses on a historic vessel the following criteria shall be considered:

a. Uses permitted outright are impractical because of the vessel design, or the permitted uses cannot provide the financial support necessary to sustain the vessel in a reasonably good physical condition,

b. The moorage is not well-suited for commercial maritime use due to water depth, shoreline configuration or other physical or environmental constraints,

c. The use is compatible with the existing design or construction of the vessel, without the necessity of significant alteration of the vessel,

d. The vessel is designated as a landmark by the Seattle Landmarks Preservation Board with a designating ordinance by City Council,

e. No other historic vessel containing entertainment uses is located within one (1) mile of the applicant vessel, and

f. The playing of music is prohibited except in enclosed spaces.

(Ord. 122310, § 22, 2006; Ord. 118793 § 33, 1997; Ord. 118408 § 10, 1996; Ord. 117230 § 1, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.728 - Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and service,

5. Lodging,

6. Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals, non-water-dependent,

5. Bus bases,

6. Helistops,

7. Heliports,

8. Airports, land-based, and

9. Covered wet moorage on Lake Union and Portage Bay;

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management,

3. Recycling,

4. Power plants,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

(Ord. 122310, § 23, 2006; Ord. 120927 § 15, 2002; Ord. 118793 § 34, 1997; Ord. 118663 § 19, 1997; Ord. 117230 § 2, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.730 - Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts and accessories,

(2) General sales and service uses,

(3) Medical services,

(4) Animal shelters and kennels,

(5) Automotive sales and service,

(6) Eating and drinking establishments,

(7) Heavy sales and services,

(8) Food processing and craft work,

(9) Offices except in the Lake Union area, and

(10) Research and development laboratories;

b. Storage uses;

c. The following transportation facilities:

(1) Cargo terminals, non-water-dependent,

(2) Personal transportation services,

(3) Passenger terminals, non-water-dependent,

(4) Transit vehicle base;

d. Recycling;

e. Light and general manufacturing uses, non-water-dependent;

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f. Public facilities; and

g. Minor communication utilities, except freestanding transmission towers.

B. Uses Permitted as Special Uses.

1. Uses permitted as special uses on waterfront lots in the UM environment are permitted as special uses on upland lots.

2. Additional uses permitted as special uses on upland lots:

a. Heavy manufacturing uses, non-water-dependent.

C. Uses Permitted as Conditional Uses. The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Offices within the Lake Union area;

2. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is not located over water, the following uses:

a. Non-water-dependent institutional uses,

b. Residential uses;

3. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is located over water, the following uses:

a. Uses otherwise permitted outright on upland lots in the UM environment as specified in subsection A of Section 23.60.730,

b. Offices within the Lake Union area,

c. Non-water-dependent institutional uses,

d. Residential uses,

e. Parking accessory to uses located within the landmark structure.

D. Uses Permitted as Council Conditional Uses. The following uses may be authorized by the City Council, with the concurrence of the Department of Ecology, as either principal or accessory uses, if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Helistops and heliports when the following additional criteria are met:

a. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering, or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of an approved transportation plan and is a public facility; or is part of an approved transportation plan and is located at least two thousand (2,000) feet from a residential zone;

b. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held;

c. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from the other uses in the surrounding area;

d. Open areas and landing pads shall be hardsurfaced; and

e. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

(Ord. 122310, § 24, 2006; Ord. 120927 § 16, 2002; Ord. 118793 § 35, 1997; Ord. 116907 § 11, 1993: Ord. 116616 § 10, 1993: Ord. 115135 § 2, 1990; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.732 - Prohibited uses on upland lots in the UM Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.730.

(Ord. 113466 § 2(part), 1987.)

23.60.734 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 20, 1997.)

Part 2 Development Standards

23.60.750 - Development standards for the UM Environment.

All developments in the Urban Maritime Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.752 - Height in the UM Environment.

A. Maximum Height. The maximum height in the UM Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when:

1. Not more than twenty-five (25) percent of the lot area would be covered by a structure with the increased height;

2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 17, 2002; Ord. 113466 § 2(part), 1987.)

23.60.754 - Lot coverage in the UM Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged portion of a waterfront lot, except as modified by subsection C.

2. Structures shall not occupy more than seventy-five (75) percent of the dry-land portion of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of an upland lot.

C. Lot Coverage Exceptions.

1. Structures, including floats and piers, may occupy up to sixty-five (65) percent of the submerged portion of a waterfront lot which has a depth of less than fifty (50) feet of dry land.

2. Drydocks may cover up to an additional twenty-five (25) percent of submerged land for a maximum lot coverage of seventy-five (75) percent.

(Ord. 113466 § 2(part), 1987.)

23.60.756 - View corridors in the UM Environment.

A. A view corridor or corridors of not less than fifteen (15) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors; and

4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions. The required percent of the width of the lot may be reduced by five (5) percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen (15) feet:

1. The required view corridor is provided entirely in one (1) location;

2. A view corridor of at least half (½) the required width abuts a lot line which separates the lot from a street, waterway, or public park;

3. A view corridor of at least half (½) the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution. In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;

2. The viewing area shall provide a clear view of the activities on the lot and the water;

3. The viewing area shall have a minimum dimension of one hundred fifty (150) square feet; and

4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

(Ord. 113466 § 2(part), 1987.)

23.60.758 - Regulated public access in the UM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas; except as exempted in Section 23.60.200 E,

b. Yacht, boat and beach clubs that have non-water-dependent facilities over water,

c. Non-water-dependent uses, except those located on private lots in Lake Union which

have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access;

2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have non-water-dependent facilities over water are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

23.60.760 - Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

Subchapter XIV - The Urban General Environment

Part 1 Uses

23.60.780 - Uses permitted outright on waterfront lots in the UG Environment.
23.60.782 - Special uses permitted on waterfront lots in the UG Environment.
23.60.784 - Conditional uses permitted on waterfront lots in the UG Environment.
23.60.786 - Prohibited principal uses on waterfront lots in the UG Environment.
23.60.788 - Permitted uses on upland lots in the UG Environment.
23.60.790 - Prohibited uses on upland lots in the UG Environment.
23.60.795 - Public facilities.
23.60.810 - Development standards for the UG Environment.
23.60.812 - Height in the UG Environment.
23.60.814 - Lot coverage in the UG Environment.
23.60.816 - View corridors in the UG Environment.
23.60.818 - Regulated public access in the UG Environment.

23.60.780 - Uses permitted outright on waterfront lots in the UG Environment.

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

A. Existing dwelling units;

B. The following commercial uses:

1. General sales and services,

2. Medical services,
3. Animal shelters and kennels,
4. Marine sales and services,
5. Eating and drinking establishments,
6. Heavy sales and service uses,
7. Office uses,
8. Entertainment uses,
9. Research and development laboratories,
10. Food processing and craft work uses;

C. Storage uses;

D. The following transportation facilities:

1. Passenger terminals, water-dependent or water-related,
2. Cargo terminals, water-dependent or water-related;

E. Streets;

F. Bridges;

G. Railroads;

H. The following utilities:

1. Utility lines,
2. Utility service uses whose operations require a shoreline location,
3. Solid waste transfer stations that are water-related, and
4. Minor communication utilities, except freestanding transmission towers;

I. Manufacturing uses;

J. Institutional uses;

K. Public Facilities;

L. Parks and open space uses; and

M. Aquaculture.

(Ord. 122310, § 25, 2006; Ord. 120927 § 18, 2002; Ord. 113466 § 2(part), 1987.)

23.60.782 - Special uses permitted on waterfront lots in the UG Environment.

The following uses may be authorized on waterfront lots in the UG Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. Airports, water-based;

B. High-impact uses that are water-dependent or water-related;

C. Shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and

4. Landfill which creates dry land:

a. When the dry land is necessary for the operation of a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113466 § 2(part), 1987.)

23.60.784 - Conditional uses permitted on waterfront lots in the UG Environment.

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Artist studio/dwellings.

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(Ord. 118793 § 36, 1997; Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

23.60.786 - Prohibited principal uses on waterfront lots in the UG Environment.

The following uses are prohibited as principal uses on waterfront lots in the UG Environment:

A. Residential uses except artist studio/dwellings;

B. The following commercial uses:

1. Automotive sales and service uses,

2. Lodging uses, and

3. Mortuary services;

C. The following transportation facilities:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals, non-water-dependent,

5. Bus bases,

6. Helistops,

7. Heliports, and

8. Airports, land-based;

D. The following utilities:

1. Major communication utility,

2. Solid waste management, non-water-dependent,

3. Recycling uses,

4. Power plants,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

E. Agricultural uses except aquaculture; and

F. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

(Ord. 122310, § 26, 2006; Ord. 120927 § 19, 2002; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.788 - Permitted uses on upland lots in the UG Environment.

The following uses are permitted on upland lots in the UG Environment:

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots are permitted outright on upland lots.

2. Additional uses permitted outright:

a. Automotive sales and services; and

b. Parking, principal use.

B. Uses Permitted as Special Uses.

1. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

2. Additional uses permitted as special uses:

a. Artist studio/dwelling.

(Ord. 122310, § 27, 2006; Ord. 113466 § 2(part), 1987.)

23.60.790 - Prohibited uses on upland lots in the UG Environment.

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.788.

(Ord. 113466 § 2(part), 1987.)

23.60.795 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 shall also be permitted outright, permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 21, 1997.)

Part 2 Development Standards

23.60.810 - Development standards for the UG Environment.

All developments in the Urban General Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.812 - Height in the UG Environment.

A. Maximum Height. The maximum height in the UG Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 20, 2002; Ord. 120117 § 47, 2000; Ord. 113466 § 2(part), 1987.)

23.60.814 - Lot coverage in the UG Environment.

Structures may occupy up to one hundred (100) percent of the lot area for either a waterfront lot or an upland lot.

(Ord. 113466 § 2(part), 1987.)

23.60.816 - View corridors in the UG Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

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23.60.818 - Regulated public access in the UG Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XV - The Urban Industrial Environment

Part 1 Uses

23.60.840 - Uses permitted outright on waterfront lots in the UI Environment.
23.60.842 - Special uses permitted on waterfront lots in the UI Environment.
23.60.844 - Conditional uses on waterfront lots in the UI Environment.
23.60.846 - Council conditional uses on waterfront lots in the UI Environment.
23.60.848 - Principal uses prohibited on waterfront lots in the UI Environment.
23.60.850 - Permitted uses on upland lots in the UI Environment.
23.60.852 - Prohibited uses on upland lots in the UI Environment.
23.60.854 - Public facilities.
23.60.870 - Development standards for the UI Environment.
23.60.872 - Height in the UI Environment.
23.60.874 - Lot coverage in the UI Environment.
23.60.876 - View corridors in the UI Environment.
23.60.878 - Setbacks in the UI Environment.
23.60.880 - Development standards specific to water-related uses on waterfront lots in the UI Environment.
23.60.882 - Regulated public access in the UI Environment.

23.60.840 - Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as

either principal or accessory uses:

A. Existing dwelling units;

B. The following commercial uses:

1. Marine sales and services except sale and rental of small boats, boat parts and accessories,

2. Research and development laboratories,

3. Wholesale showrooms, and

4. Food processing and craft work, water-dependent or water-related;

C. The following storage uses:

1. Warehouses, and

2. Outdoor storage uses;

D. The following transportation facilities:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

4. Passenger terminals, water-dependent or water-related, and

5. Cargo terminals, water-dependent or water-related;

E. Streets, railroads and bridges;

F. The following utilities:

1. Utility lines,

2. Solid waste management uses, water-dependent or water-related,

3. Recycling uses, water-dependent or water-related,

4. Utility service uses whose operations require a shoreline location, and

5. Minor communication utilities, except freestanding transmission towers;

G. Manufacturing uses;

H. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and universities,

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2. Shoreline recreation facilities of colleges and universities, and

3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;

I. High-impact uses, water-dependent or water-related;

J. Public facilities, water-dependent or water-related;

K. Shoreline recreation uses; and

L. Aquaculture.

(Ord. 122310, § 28, 2006; Ord. 120927 § 21, 2002; Ord. 113466 § 2(part), 1987.)

23.60.842 - Special uses permitted on waterfront lots in the UI Environment.

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are met:

A. Airports, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line, and

3. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.844 - Conditional uses on waterfront lots in the UI Environment.

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs which do not have eating and drinking establishments and recreational marinas when:

1.. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur, and

b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and

2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided that yacht, boat or beach clubs may have non-water-dependent facilities over water only when:

(1) The dry-land portion of the lot is less than fifty (50) feet in depth, and

(2) The location of such facilities on the dry-land portion of the lot is not feasible.

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts and accessories;

b. General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10)

percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

(Ord. 122310, § 29, 2006; Ord. 119971 § 1, 2000: Ord. 118793 § 37, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.846 - Council conditional uses on waterfront lots in the UI Environment.

A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:

1. Located in the Duwamish area;

2. A determination has been made, according to the process established in Section 23.60.066, Process for determination of feasible or reasonable alternative locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Shoreline Goals and Policies of the Seattle Comprehensive Plan, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

3. The plant is set back sixty (60) feet from the line of ordinary high water;

4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and

5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.

(Ord. 118793 § 38, 1997: Ord. 113466 § 2(part), 1987.)

23.60.848 - Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

A. Residential uses;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and service,

5. Lodging,

6. Heavy commercial services,

7. Entertainment uses, and

8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminal, non-water-dependent,

4. Cargo terminal, non-water-dependent,

5. Transit vehicle bases,

6. Helistops, and

7. Heliports;

D. Mini-warehouses in the Duwamish Manufacturing/Industrial Center;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management, non-water-dependent,

3. Recycling uses, non-water-dependent,

4. Power plants,

5. Sewage treatment plants, located outside of the Duwamish area, and

6. Freestanding transmission towers for minor communication utilities;

F. High-impact uses, non-water-dependent;

G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

H. Public facilities not authorized pursuant to Section 23.60.854 and those that are neither water-dependent nor water-related;

I. Agricultural uses except aquaculture;

J. All open space uses except shoreline recreation; and

K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills

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or other structures that are part of a natural beach protection system.

(Ord. 122310, § 30, 2006; Ord. 120927 § 22, 2002; Ord. 119971 § 2, 2000: Ord. 118663 § 22, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.850 - Permitted uses on upland lots in the UI Environment.

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

d. Parks and open space uses;

e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

f. All agricultural uses.

B. Uses permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special use on upland lots.

(Ord. 122310, § 31, 2006; Ord. 113466 § 2(part), 1987.)

23.60.852 - Prohibited uses on upland lots in the UI Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.850.

(Ord. 113466 § 2(part), 1987.)

23.60.854 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 23, 1997.)

Part 2 Development Standards

23.60.870 - Development standards for the UI Environment.

All developments in the Urban Industrial Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.872 - Height in the UI Environment.

A. Maximum Height. The maximum height shall be thirty-five (35) feet, except as modified by subsections B through D of this section.

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B. Exceptions.

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

2. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five (55) feet in the Ship Canal and up to eighty (80) feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.

C. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height set in subsections A and B of Section 23.60.632.

3. The following rooftop features may extend ten (10) feet above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

D. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 23, 2002; Ord. 113466 § 2(part), 1987.)

23.60.874 - Lot coverage in the UI Environment.

A. Waterfront Lots. Structures may occupy up to one hundred (100) percent of both submerged and dry-land lot area of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of the lot area of an upland lot.

(Ord. 113466 § 2(part), 1987.)

23.60.876 - View corridors in the UI Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be

provided and maintained on all waterfront lots developed with a nonwater-dependent use or a mix of water-dependent or water-related uses and nonwater-dependent uses if the water-dependent or water-related use occupies less than fifty (50) percent of the dry-land portion of the lot.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots which are adjacent to waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria in subsection B3 of Section 23.60.162; and

4. Open storage accessory to a water-dependent or water-related use.

(Ord. 113466 § 2(part), 1987.)

23.60.878 - Setbacks in the UI Environment.

All nonwater-dependent uses including accessory structures and uses shall provide a sixty (60) foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty (20) feet in width.

(Ord. 113466 § 2(part), 1987.)

23.60.880 - Development standards specific to water-related uses on waterfront lots in the UI Environment.

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

(Ord. 113466 § 2(part), 1987.)

23.60.882 - Regulated public access in the UI Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

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a. Marinas, except as exempted in Section 23.60.200 E;

b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;

c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private property, except for yacht and boat clubs which have nonwater-dependent facilities over water and marinas, are not required to provide public access.

3. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XVI - Definitions

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23.60.900 - Definitions generally.

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapter 23.84A, which are also applicable to

this chapter. In the event that a definition in this chapter differs from a definition of the same term in Chapter 23.84A, the definition in this chapter shall apply in the Shoreline District.

(Ord. 122771, § 5, 2008; Ord. 122310, § 32, 2006; Ord. 113466 § 2(part), 1987.)

23.60.902 - "A."

"Airport, water-based" means a transportation facility used exclusively by aircraft which take off and land directly on the water.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

"Agriculture use" means the following uses:

Animal husbandry;

Aquaculture;

Horticulture.

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

"AWDT" means the twenty-four (24) hour average weekday traffic on a street as determined by the Director of Seattle Department of Transportation or the Director of the Department of Planning and Development in consultation with the Director of Seattle Department of Transportation.

(Ord. 122310, § 33, 2006; Ord. 121477 § 41, 2004; Ord. 118793 § 39, 1997; Ord. 118409 § 205, 1996: Ord. 113466 § 2(part), 1987.)

23.60.904 - "B."

"Boat or Beach Club." See "Yacht club."

"Beach, Class I" means an accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at mean higher high water.

"Beach, Class II" means a marginal erosion beach characterized by not having a stable and dry backshore above mean higher high water. Class II beaches are usually located at the foot of gravel-containing banks and bluffs that supply the upper foreshore with beach material.

"Beach, Class III" means an erosional beach on which it is not possible to walk at mean higher high water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave-cut below to mean higher high water level.

"Breakwater" means a protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

"Bridge" means a structure carrying a path, street, or railway over-water, and necessary support and

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accessory structures.

"Bulkhead" means a retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.

(Ord. 113466 § 2 (part), 1987.)

23.60.906 - "C."

"Cargo, breakbulk" means cargo packed in separate packages or individual pieces of cargo and loaded, stored and unloaded individually.

"Cargo, containerized" means cargo packed in a large (typically eight (8) feet by eight (8) feet by twenty (20) feet)) trunklike box and loaded, stored and unloaded as a unit.

"Cargo, neo-bulk" means cargo which has historically been classified as generalized cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in specialized vessels.

"Cargo terminal" means a transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

"Clerestory" means an outside wall of a room or building that rises above an adjoining roof and contains windows.

"Commercial use" means the following uses:

- General retail sales and services;
- Heavy sales and services;
- Eating and drinking establishments;
- Lodging;
- Offices;
- Entertainment;
- Automotive sales and services;
- Marine sales and services;
- Animal shelters and kennels;
- Food processing and craft work;
- Medical services;
- Research and development laboratories.

"Commercial moorage" means a parking and moorage use in which a system of piers, buoys, or floats

is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

"Conditional use" means a use identified in this chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this chapter the term "conditional use" without modification shall mean Shoreline Conditional Use.

(Ord. 122310, § 34, 2006; Ord. 120927 § 24, 2002; Ord. 113466 § 2(part), 1987.)

23.60.908 - "D."

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title at any water level.

"Development standards" means regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

"Development, Substantial." See "Substantial development."

"Director" means the Director of the Department of Planning and Development of The City of Seattle.

"Drift sill" means a structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

"Dry land" means land at an elevation above the line of ordinary high water or mean higher high water.

"Dry boat storage" means a parking and moorage use, in which space on a lot on dry land or inside a building over water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

(Ord. 122310, § 35, 2006; Ord. 121276 § 26, 2003; Ord. 113466 § 2(part), 1987.)

23.60.910 - "E."

"Extreme low tide" means the lowest line on land reached by a receding tide.

(Ord. 113466 § 2(part), 1987.)

23.60.912 - "F."

"Fair market value" of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake

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the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

"Fairway" means all navigable waters within the corporate limits or within the jurisdiction and control of the City, except waters over privately owned or privately controlled property, including but not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

A. All of Elliott Bay, lying easterly of a straight line drawn from Alki Point to West Point;

B. All of the East and West Waterways;

C. All of the Duwamish River;

D. All of the Duwamish Waterway Project;

E. All of Salmon Bay;

F. All of Portage Bay;

G. All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States;

H. All of Lake Union;

I. All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction and control of the City;

J. All of that portion of Shilshole Bay, lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the City with the outer harbor line;

K. All that portion of Puget Sound, lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the City with the outer harbor line.

"Floating home" means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

"Floating home moorage" means a residential use consisting of a waterfront facility for the moorage of one (1) or more floating homes and the land and water premises on which the facility is located.

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one (1) floating home.

(Ord. 118793 § 40, 1997; Ord. 113466 § 2(part), 1987.)

23.60.914 - "G."

"Groin" means a wall-like structure built seaward from the shore to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.

(Ord. 113466 § 2(part), 1987.)

23.60.916 - "H."

"High-impact Use." As defined in Chapter 23.84, Definitions.

"Historic ship" means a vessel, whether able to move under its own power or not, that has been designated by the Landmark Preservation Board as historic or listed on the National Register of Historic Places.

"House barge" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.

(Ord. 116051 §2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.918 - "I."

"Institutions" means the following uses:

- Institute for advanced study;
- Private club;
- Child care center;
- Museum;
- School, elementary or secondary;
- College;
- Community club and center;
- Community club;
- Vocational or fine arts school;
- Hospital;
- Religious facility.

(Ord. 122310, § 36, 2006; Ord. 113466 § 2(part), 1987.)

23.60.920 - "J."

"Jetty" means an artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

(Ord. 113466 § 2(part), 1987.)

23.60.922 - "K."

Reserved.

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(Ord. 113466 § 2(part), 1987.)

23.60.924 - "L."

"Landfill" means sand, soil, gravel or other material deposited onto a shoreland area, or into the water over a submerged area.

"Lot" means a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings including piers, floats and drydocks, expressed as a percentage of the total lot area.

"Lot, upland" means a lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

"Lot, upland through" means an upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

"Lot, waterfront" means a lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government-owned or controlled property which prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot. For purposes of determining the appropriate use and development standards applicable to developments in railroad or street rights-of-way, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

(Ord. 117789 § 6, 1995; Ord. 113466 § 2(part), 1987.)

23.60.926 - "M."

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

- Light manufacturing;
- General manufacturing;
- Heavy manufacturing.

"Marina, recreational" means a parking and moorage use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

"Marine sales and service" means a commercial use that includes one (1) or more of the following uses:

- Sale or rental of large boats;
- Marine service station;
- Major or minor vessel repair;
- Sale and rental of small boats, boat parts and accessories.

"Marine service station" means a marine sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

"Master Program." See "Shoreline Master Program."

"Mean higher high water (MHHW)" means the tidal elevation determined by averaging the higher of each day's two (2) high tides at a particular location over recorded history.

"Mean lower low water (MLLW)" means the 0.0 tidal elevation. It is determined by averaging the lower of each day's two (2) low tides, at a particular location over recorded history.

"MHHW." See "Mean higher high water."

"MLLW." See "Mean lower low water."

"Monitor" means a raised, central portion of a roof having low windows or louvers for light and air.

"Moorage, covered" means a pier or system of floating or fixed accessways covered with a roof, to which boats on water may be secured.

"Moorage, open" means an uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

"Moorage, transient" means moorage available to the public, generally for a fee, on a short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

"Moorage walkway" means the pier, float(s) or combination of pier and float(s) designed and used to give pedestrian access from the land to floating home sites at a floating home moorage. Ramps which provide access to individual floating homes are not moorage walkways.

"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

(Ord. 122310, § 37, 2006; Ord. 113466 § 2(part), 1987.)

23.60.928 - "N."

"Natural beach protection" means naturally regenerating systems designed and used to prevent and control beach erosion.

"Navigational aid" means a structure used to guide or position ships and boats or to warn of

navigational hazards, including but not limited to buoys, beacons, and light towers.

"Nonwater-dependent use" means a use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included: Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

(Ord. 113466 § 2(part), 1987.)

23.60.930 - "O."

"Offshore facilities" means any facilities, seaward of the outer harbor line, floating or supported on a pier or piers, used to transfer or assemble materials or for construction purposes, except aquacultural facilities and structures, research and scientific monitoring facilities.

"Open space" means land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreational opportunities, conserving natural resources and structuring urban development and form.

"Ordinary high water mark" means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by the Director or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(Ord. 113466 § 2(part), 1987.)

23.60.932 - "P."

"Pier" means a structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

"Pier, accessory to residential structures" means a structure for swimming or for landing and open wet moorage of watercraft accessory to single-family or multifamily residential structures.

"Pier, finger or spur" means a minor extension from a primary pier.

"Public facility" means a facility owned, operated or franchised by a unit of general or special purpose government for public purposes.

(Ord. 118793 § 41, 1997; Ord. 113466 § 2(part), 1987.)

23.60.934 - "R."

"Railroad" means a public or private right-of-way on which tracks for trains are constructed. Railroad

yards and stations shall be classified as cargo or passenger terminals.

"Regulated public access" means provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serving as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.

"Residential use" means the following uses:

- Artist's studio/dwelling;
- Assisted living facility;
- Caretaker's quarters;
- Floating home;
- Mobile home park;
- Multifamily structure;
- Single-family dwelling unit;
- Congregate residence.

"Riprap" means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

(Ord. 122310, § 38, 2006; Ord. 118793 § 42, 1997; Ord. 113466 § 2(part), 1987.)

23.60.936 - "S."

"Sale and/or rental of large boats" means a marine sales and service use in which boats sixteen (16) feet or more in length are rented or sold.

"Sale and rental of small boats, boat parts and accessories" means a marine sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology.

"Shoreline conditional use" means uses identified as such in this chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts and conditions are found to exist.

"Shoreline Master Program" means the comprehensive use plan for the shorelines of the city which

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consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan and the specific regulations of this chapter.

"Shoreline protective structures" means a bulkhead, riprap, groin, revetment, natural beach protection or other structure designed to prevent destruction of or damage to the existing shoreline by erosion or wave action.

"Shoreline recreation" means an open-space use which consists of a park or parklike area which provides physical or visual access to the water. The following and similar uses are included: fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps, bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and bathhouses.

"Shoreline special use" means uses identified as such in this chapter which may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60.032 are found to exist.

"Shoreline variance" means a modification of the regulations of this chapter when authorized by the Director and approved by the Department of Ecology after a finding that the literal interpretation and strict application of the provisions of this chapter would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot in the Shoreline District.

"Shorelines" means all the water areas of the City and their associated shorelands, together with the lands underlying them, except:

A. Shorelines of statewide significance;

B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and

C. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

"Shorelines of Statewide Significance." The following shorelines of the City are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

A. Those areas of Puget Sound and adjacent salt waters lying seaward from the line of extreme low tide;

B. Lake Washington;

C. The Duwamish River;

D. Those shorelands associated with subdivisions B and C of this subsection.

"Shorelines of the City" means the total of all "shorelines" and z"shorelines of statewide significance" within the City.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers, floats and drydocks, but not including poles, flower-bed frames and other minor incidental improvements, or vessels.

"Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars ($2,500), except as otherwise provided in Section 23.60.020 C7b, or any development which materially interferes with the normal public use of the water or shorelines of the City.

"Submerged land" means all lands waterward of the ordinary high water or mean higher high water, whichever is higher.

(Ord. 122310, § 39, 2006; Ord. 118793 § 43, 1997; Ord. 118408 § 11, 1996; Ord. 117789 § 7, 1995; Ord. 116325 § 6, 1992; Ord. 113466 § 2(part), 1987.)

23.60.938 - "T."

"Transportation facilities" means the following uses:

- Rail transit facilities;
- Vehicle storage and maintenance;
- Air transportation facilities;
- Cargo terminal;
- Passenger terminal;
- Parking and moorage; and
- Tugboat services.

"Tugboat services" means a transportation facility use that consists of moorage for more than one (1) tugboat and dispatch offices, except that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages are not tugboat services and are classified as cargo terminals.

(Ord. 122310, § 40, 2006; Ord. 113466 § 2(part), 1987.)

23.60.940 - "U."

"Use" means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this chapter, uses shall also include activities and structures which modify the land, such as dredging, landfill, breakwaters, shoreline protective structures, and utility lines.

"Use, accessory" means a use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

"Use, principal" means any use, whether a separate business establishment or not, which has a separate and distinct purpose and function from other uses on the lot.

"Use, Water-dependent." See "Water-dependent use."

"Utilities" means the following uses:

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- Communication utility;
- Utilities service uses;
- Solid waste management;
- Recycling;
- Sewage treatment plant;
- Power plant; and
- Utility lines.

"Utility extension, limited" means the extension of a utility service that: (1) is categorically exempt under Chapter 43.21C RCW for one (1) or more of the following: natural gas, electricity, telephone, water, or sewer; (2) will serve an existing use in compliance with this chapter; and (3) will not extend more than two thousand five hundred (2,500) linear feet within the shoreline areas subject to this chapter.

"Utility lines" means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

(Ord. 122310, § 41, 2006; Ord. 118793 § 44, 1997; Ord. 113466 § 2(part), 1987.)

23.60.942 - "V."

"Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

"Vessel repair, major" means a marine retail sales and service use in which one (1) or more of the following activities take place:

1. Repair of ferrous hulls;

2. For ships or boats one hundred twenty (120) feet in length, any one (1) or more of the following activities:

   a. Repair of nonferrous hulls,

   b. Conversion,

   c. Rebuilding,

   d. Dismantling, and

   e. Exterior painting.

"Vessel repair, minor" means a marine retail sales and service use in which one (1) or more of the following activities takes place:

1. General boat engine and equipment repair;

2. The replacement of new or reconditioned parts;

3. Repair of nonferrous boat hulls under one hundred twenty (120) feet in length;

4. Painting and detailing; and

5. Rigging and outfitting; but not including any operation included in the definition of "Vessel repair, major."

"View corridor" means an open-air space on a lot affording a clear view across the lot to the water from the abutting street.

(Ord. 113466 § 2(part), 1987.)

23.60.944 - "W."

"Water-dependent use" means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

"Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

"Watershed restoration plan" means a plan developed or sponsored by the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21 RCW, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one (1) or more of the following activities:

A. A project that involves less than ten (10) miles of streamreach, in which less that twenty-five (25) cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

B. A project for the restoration of an eroded or unstable stream bank that employs the principles of

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bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

"Waterway" means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

"Wildlife" means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

(Ord. 118793 § 45, 1997; Ord. 117789 § 8, 1995; Ord. 113466 § 2(part), 1987.)

23.60.946 - "Y."

"Yacht, boat and beach clubs" means institutional uses classified as either private clubs or community clubs which consist of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is primarily restricted to members and their guests. Membership may be either open to the public through a membership fee only (community clubs) or by initiation and election according to qualifications in the club's Charter or bylaws (private clubs).

(Ord. 113466 § 2(part), 1987.)

Subchapter XVII - Measurements

23.60.950 - Measurements in the Shoreline District.
23.60.952 - Height.
23.60.954 - View corridors.
23.60.956 - Calculation of lot depth.
23.60.958 - Calculation of percent of a lot occupied by a specific use.
23.60.960 - Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.
23.60.962 - Calculation of lot width for piers accessory to residential development.

23.60.950 - Measurements in the Shoreline District.

Measurements of height, view corridors, lot coverage, and other shoreline requirements in the Shoreline District shall be as described in this subchapter. These measurement regulations supplement other regulations of this title as described in Section 23.60.014. When a development is partly within and partly without the Shoreline District, measurement techniques for that portion of the development outside of the Shoreline District shall be as required in the underlying zoning.

(Ord. 118793 § 46, 1997: Ord. 113466 § 2(part), 1987.)

23.60.952 - Height.

Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development to the highest point of the structure not otherwise excepted from the height limits. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

(Ord. 118793 § 47, 1997: Ord. 113466 § 2(part), 1987.)

23.60.954 - View corridors.

When a view corridor is required, it shall be provided according to the development standards set forth in Section 23.60.162 using the following measurement techniques:

A. The width of the view corridor or corridors shall be determined by calculating the required percent of the width of the lot at the street or upland lot line;

B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;

C. When a lot is bounded by more than one (1) street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the

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predominant view of the water and the availability of actual views of the water.

(Ord. 113466 § 2(part), 1987.)

23.60.956 - Calculation of lot depth.

In certain environments, regulation of development differs according to the depth of the dry-land portion of the lot. To qualify for some special regulations, a lot must have less than fifty (50) feet of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty (30) feet but at least fifteen (15) feet of dry land.

A. A lot shall be determined by the Director to have a depth of less than fifty (50) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifty (50) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty (50) feet of dry land, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifteen (15) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses dry land for more than fifty (50) percent of its distance; and

3. A straight line, parallel to and thirty (30) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine whether the lot has a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land, based on the intent of the Shoreline Master Program.

(Ord. 116325 § 7, 1992; Ord. 113466 § 2(part), 1987.)

23.60.958 - Calculation of percent of a lot occupied by a specific use.

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District

including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one (1) use, the amount of the structure's footprint allocated to any one (1) use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one (1) use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times C / D$$

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.

(Ord. 116791 § 1, 1993; Ord. 116398 § 3, 1992; Ord. 116325 § 8, 1992; Ord. 113466 § 2(part), 1987.)

23.60.960 - Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.

The following measurement techniques shall be used to calculate the percent of a lot occupied by a water-dependent use for the purpose of qualifying for water-dependent incentive review.

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A. For purposes of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources that is developed or proposed to be developed.

B. All lot area occupied by a water-dependent use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one (1) use, the percent of floor space of the structure occupied by the water-dependent use shall be used to calculate the percent of the footprint allocated to that use;

2. The area of any required accessory parking spaces including aisles and turning areas;

3. The area of any moorage in excess of the required moorage; including piers, floats, dockage areas, channels and turning basins;

4. The area occupied by any storage accessory to the water-dependent use.

C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.

D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand (1,000) lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand (1,000) lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.

E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

G. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.

(Ord. 113466 § 2(part), 1987.)

23.60.962 - Calculation of lot width for piers accessory to residential development.

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of subsection B3 of Section 23.60.204:

A. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.

B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master

Program.
(Ord. 113466 § 2(part), 1987.)

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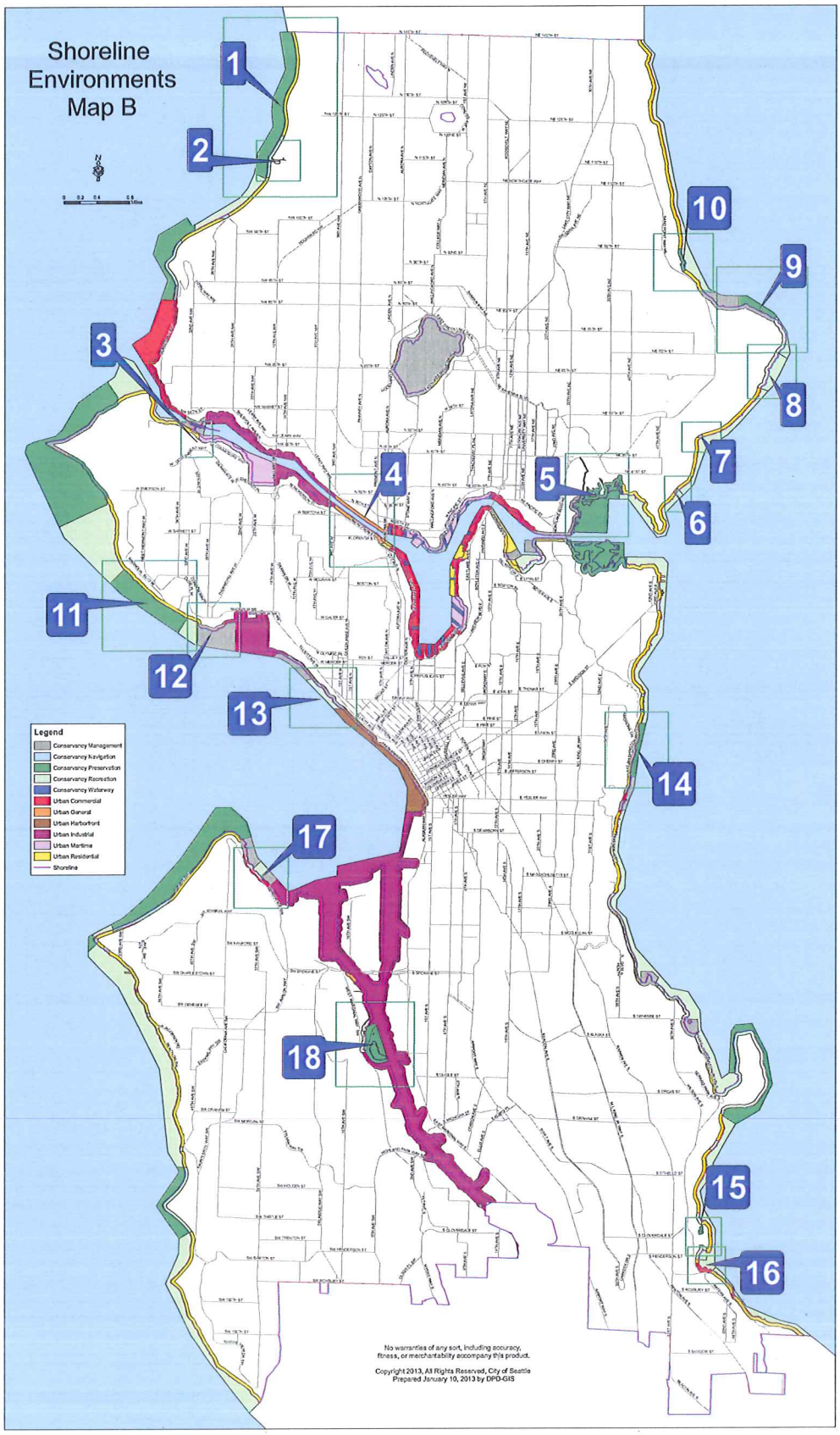

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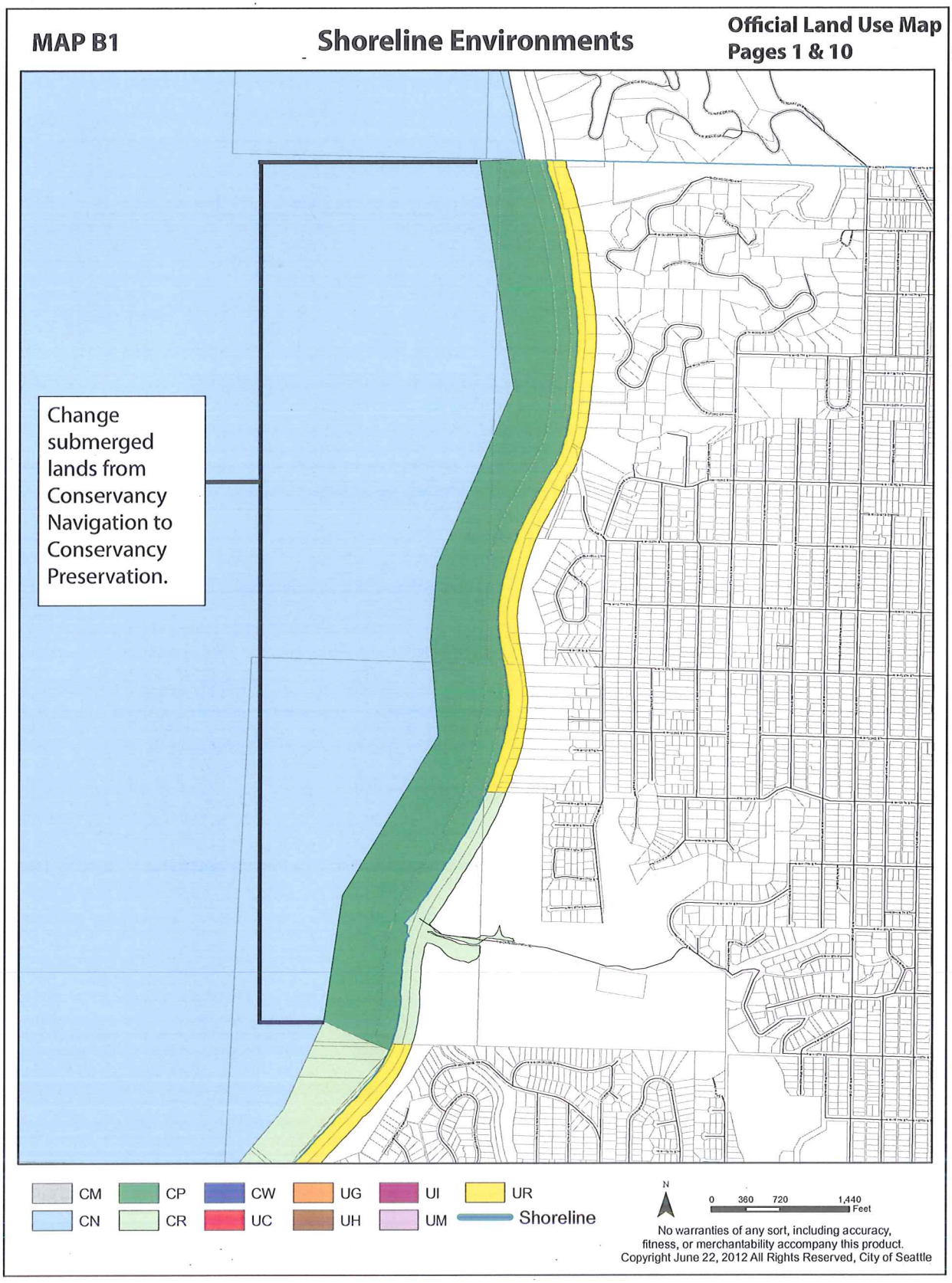

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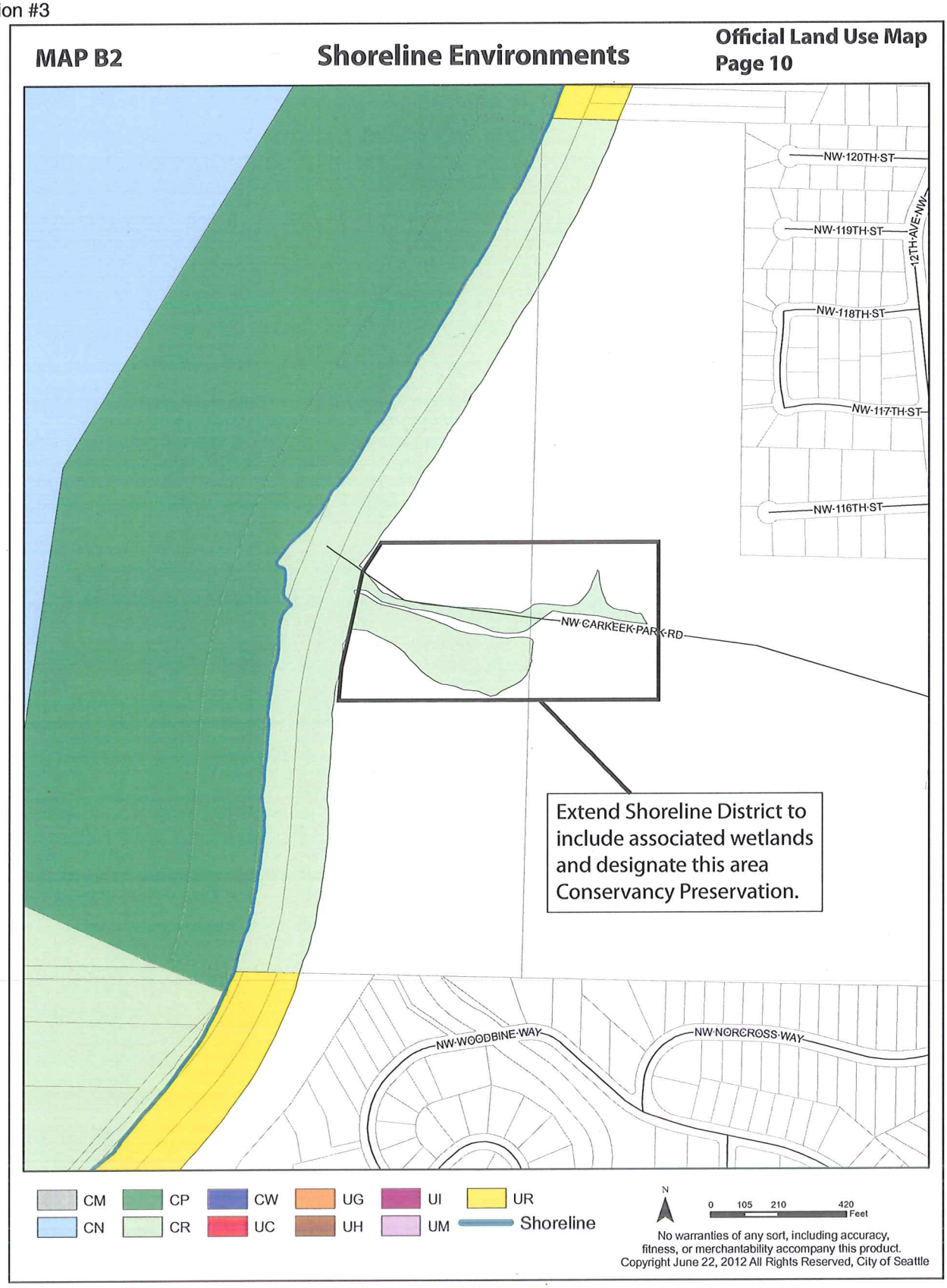

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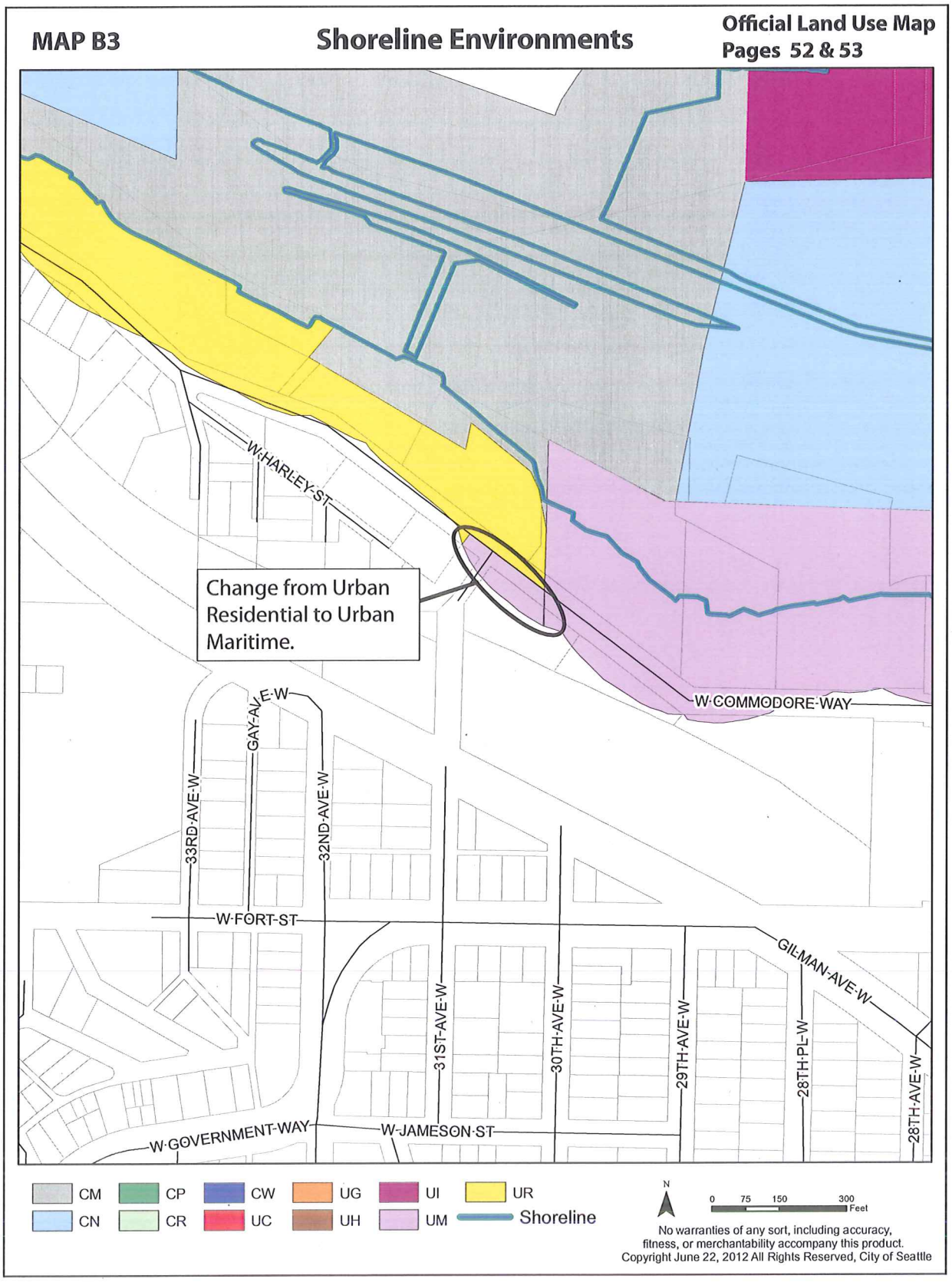
MAP B3
Shoreline Environments
Official Land Use Map
Pages 52 & 53
W HARLEY ST
Change from Urban Residential to Urban Maritime.
W COMMODORE WAY
GAY AVE W
33RD AVE W
32ND AVE W
W FORT ST
31ST AVE W
30TH AVE W
29TH AVE W
28TH PL W
GILMAN AVE W
28TH AVE W
W GOVERNMENT WAY
W JAMESON ST
CM
CP
CW
UG
UI
UR
CN
CR
UC
UH
UM
Shoreline
N
0 75 150 300
Feet
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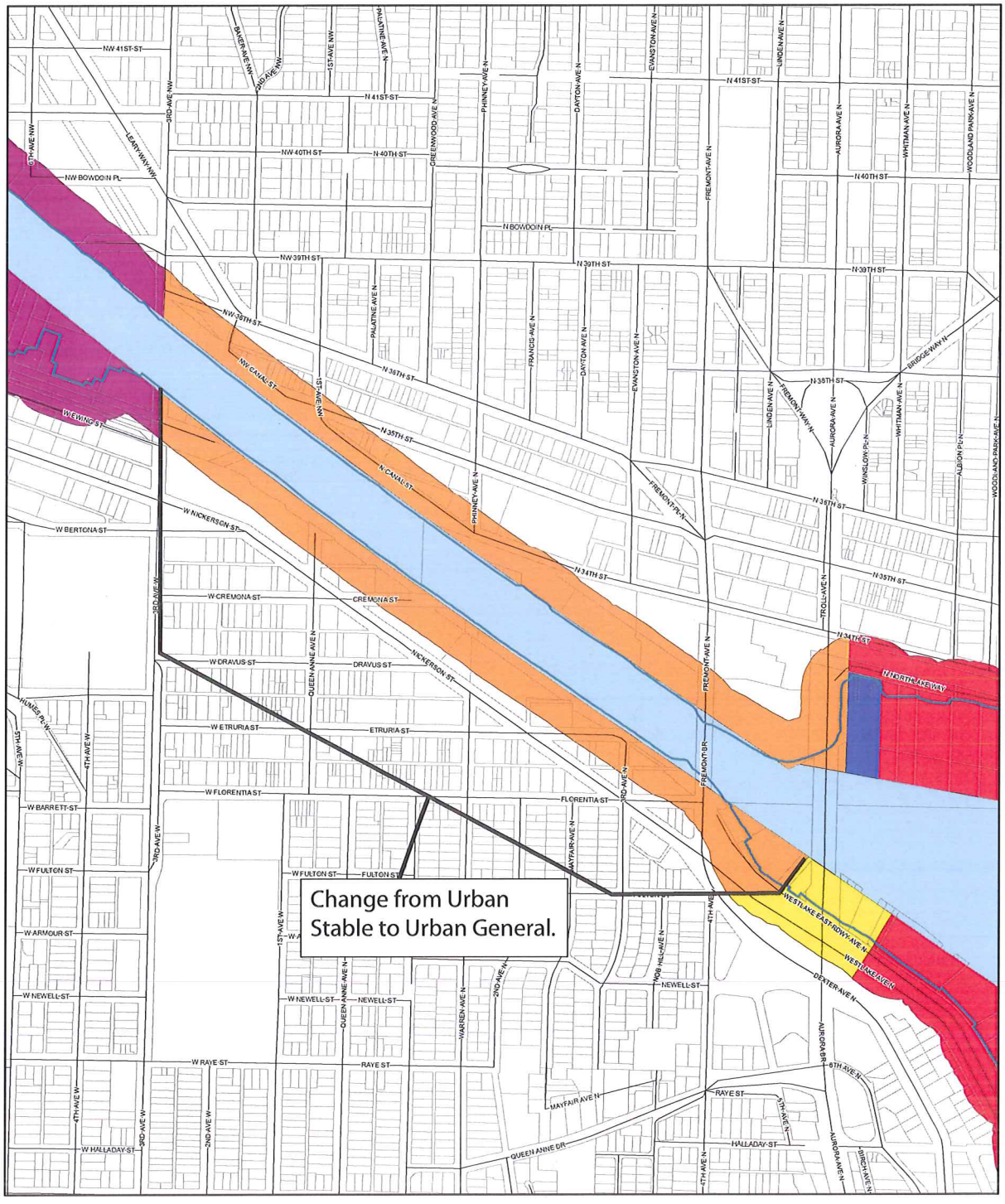
MAP B4 **Shoreline Environments** **Official Land Use Map Pages 74 & 75**



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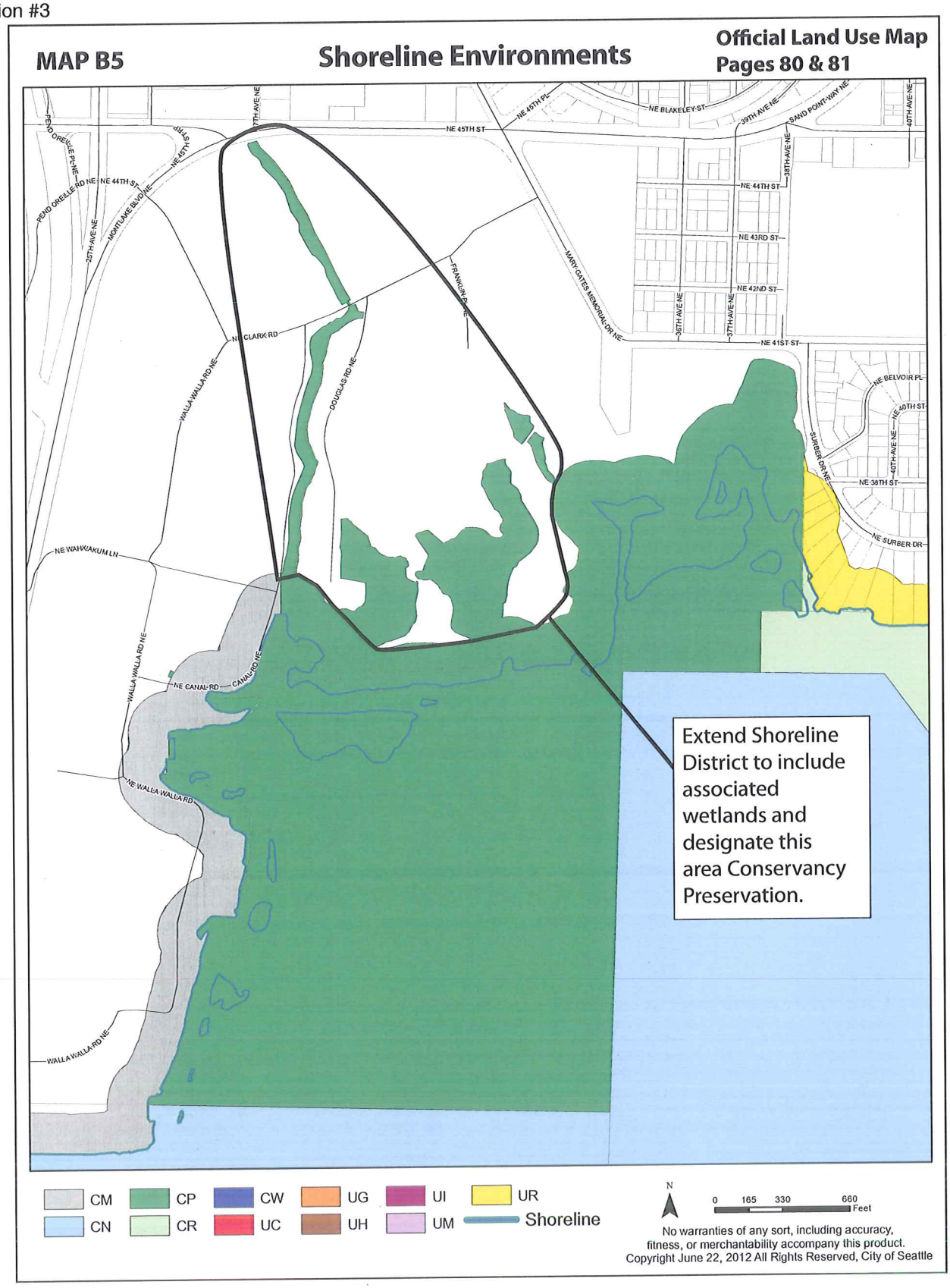

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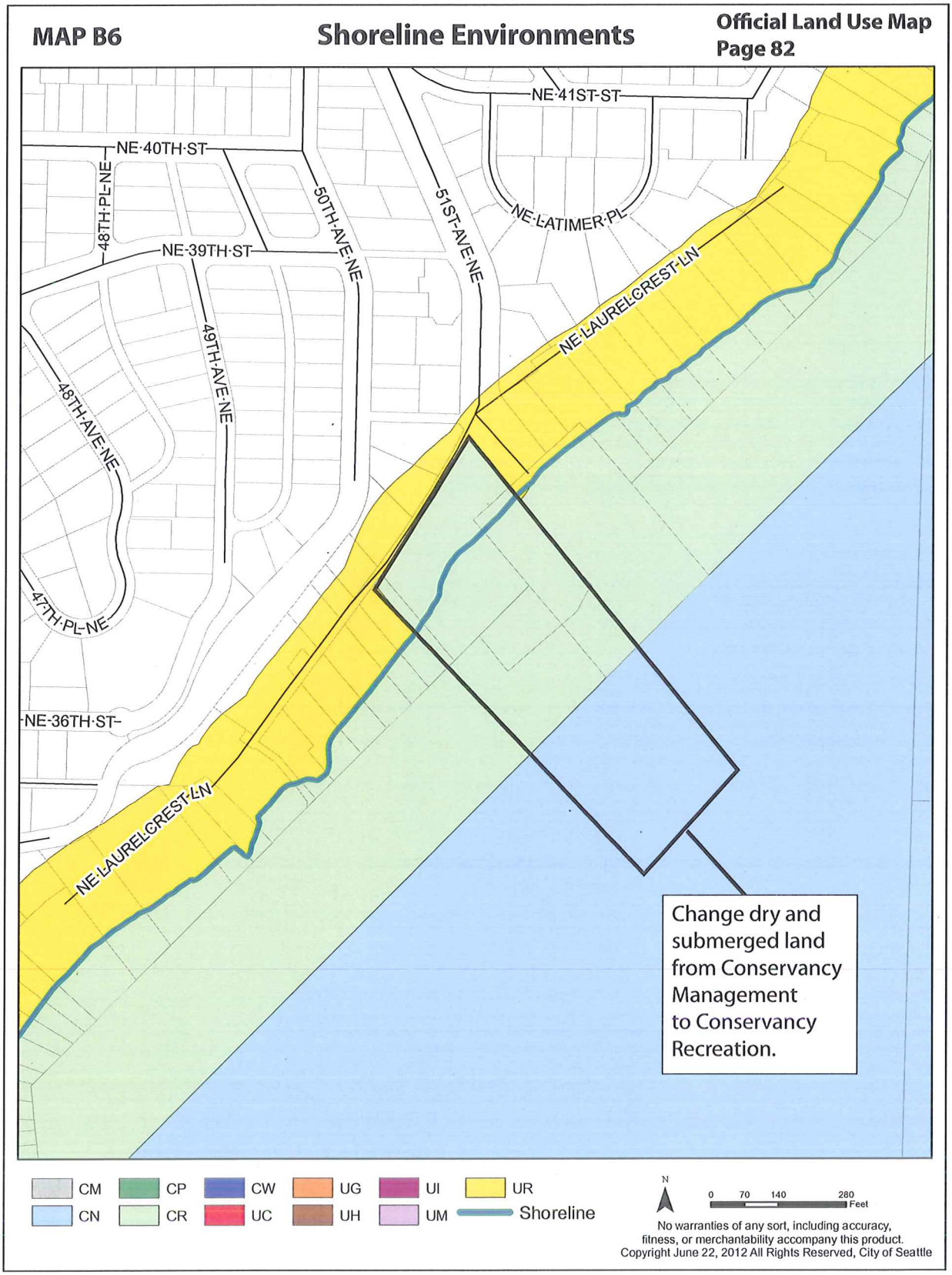
MAP B6
Shoreline Environments
Official Land Use Map
Page 82
NE 41ST ST
NE 40TH ST
48TH PL NE
50TH AVE NE
51ST AVE NE
NE LATIMER PL
NE 39TH ST
49TH AVE NE
NE LAUREL CREST LN
48TH AVE NE
47TH PL NE
NE 36TH ST
NE LAUREL CREST LN
Change dry and submerged land from Conservancy Management to Conservancy Recreation.
CM
CP
CW
UG
UI
UR
CN
CR
UC
UH
UM
Shoreline
N
0 70 140 280
Feet
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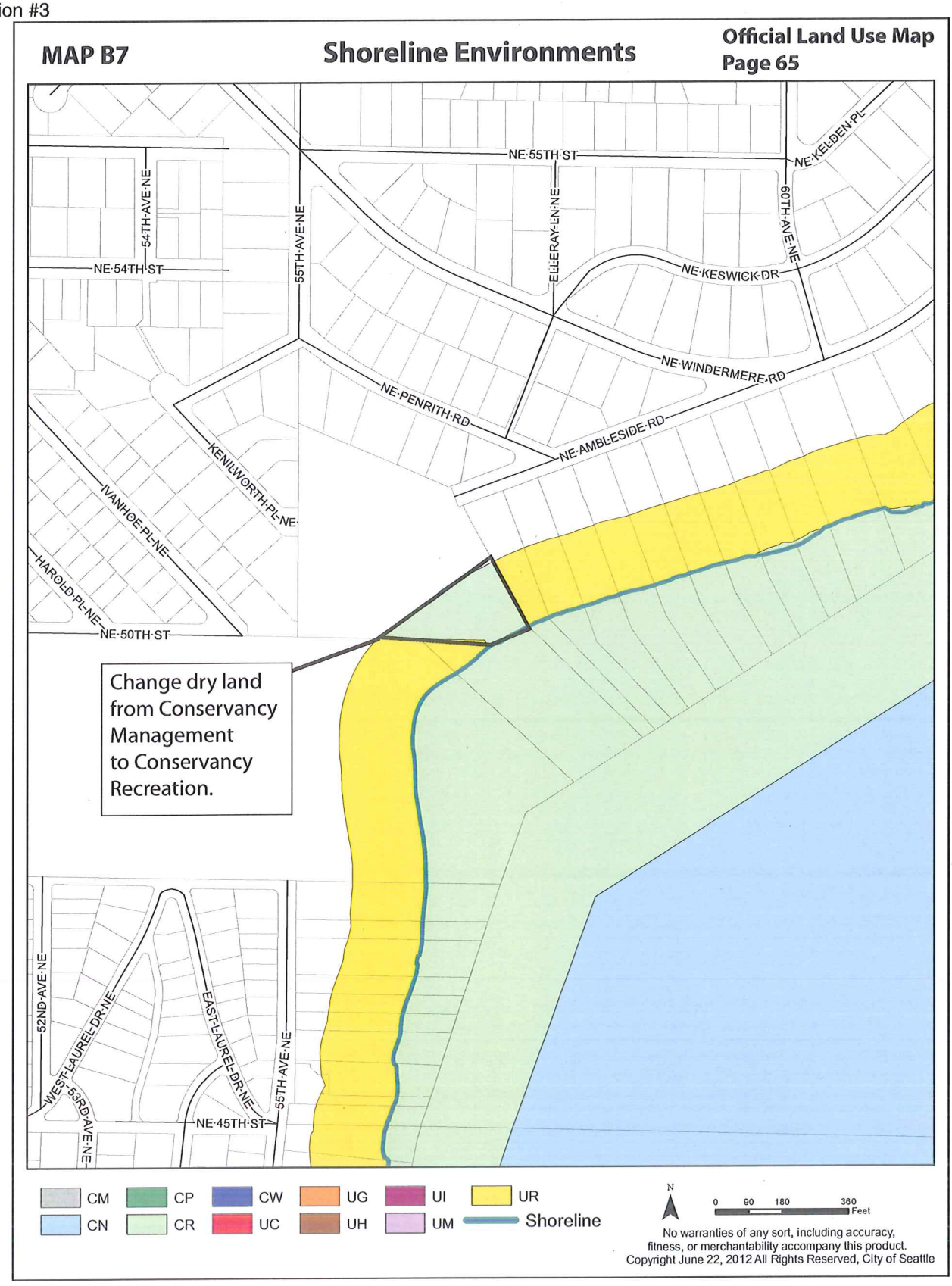

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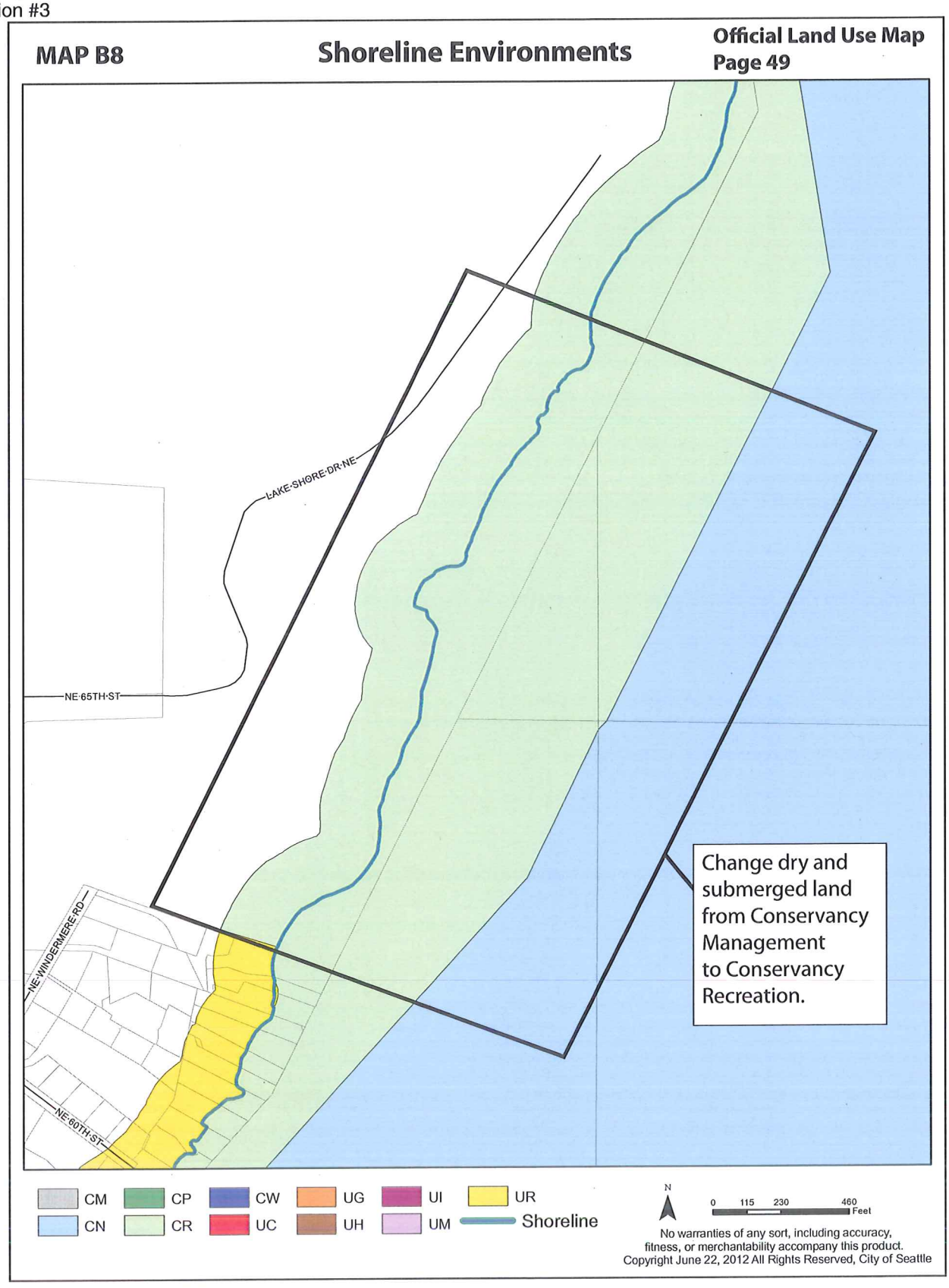

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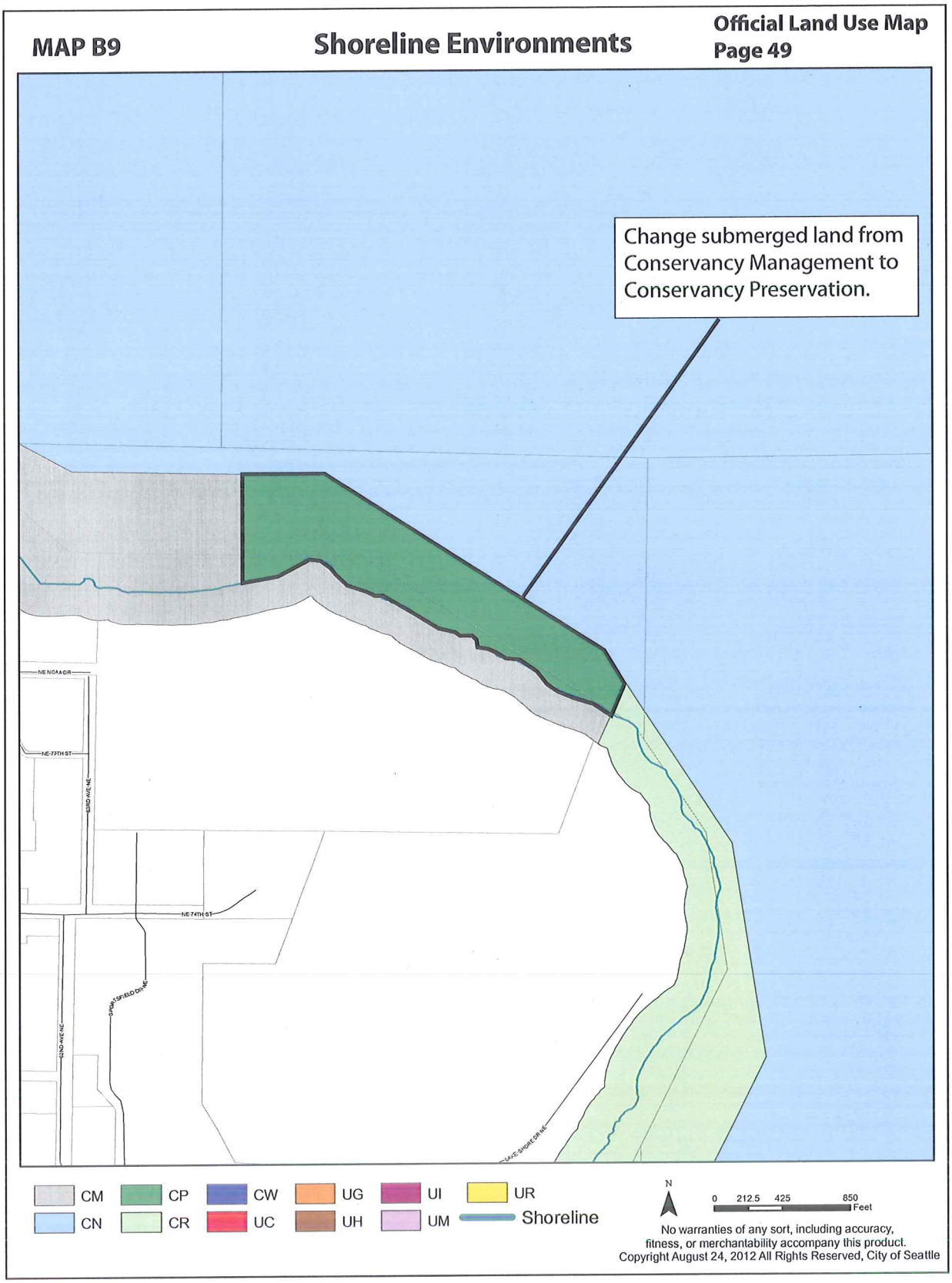

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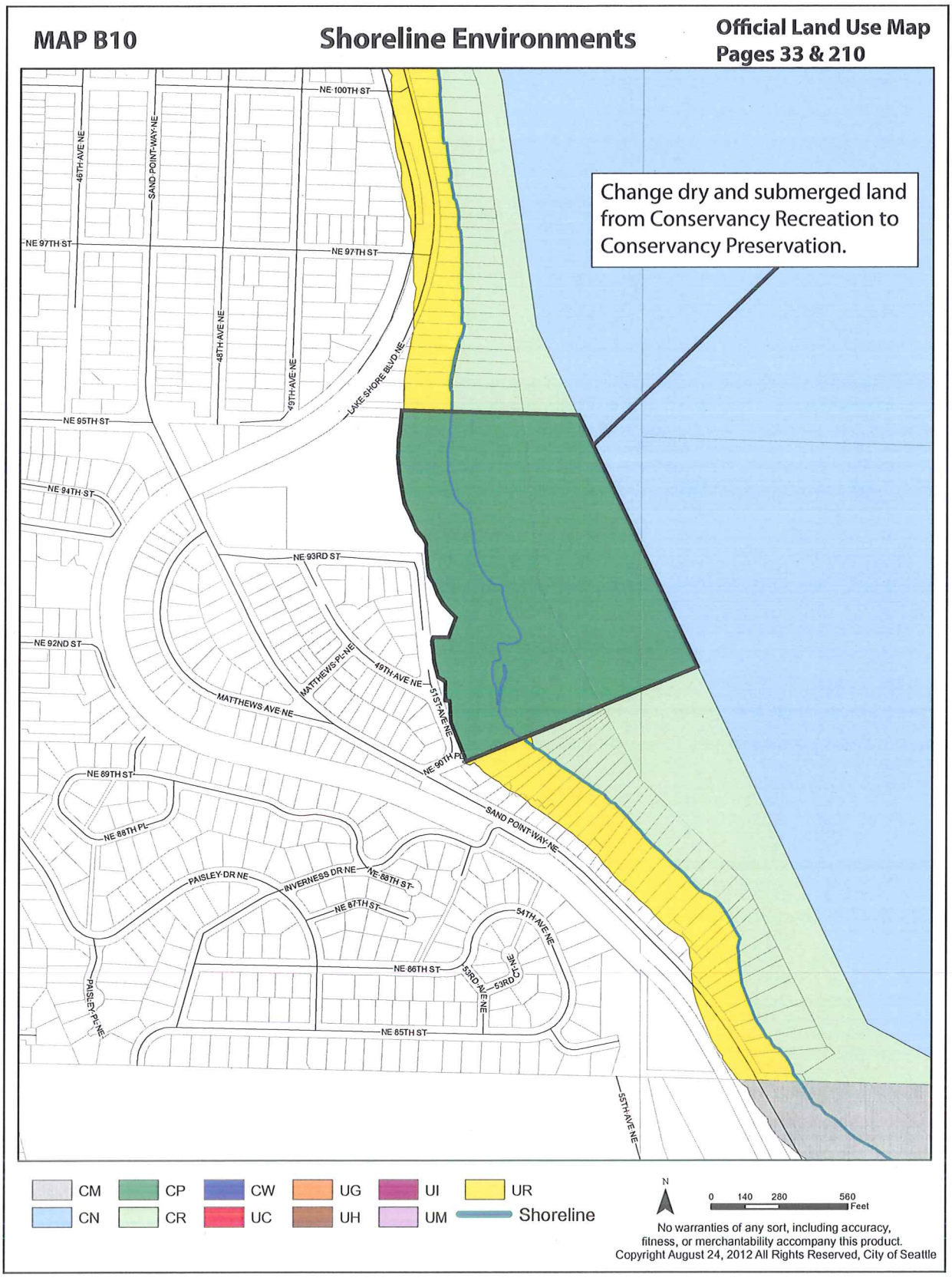

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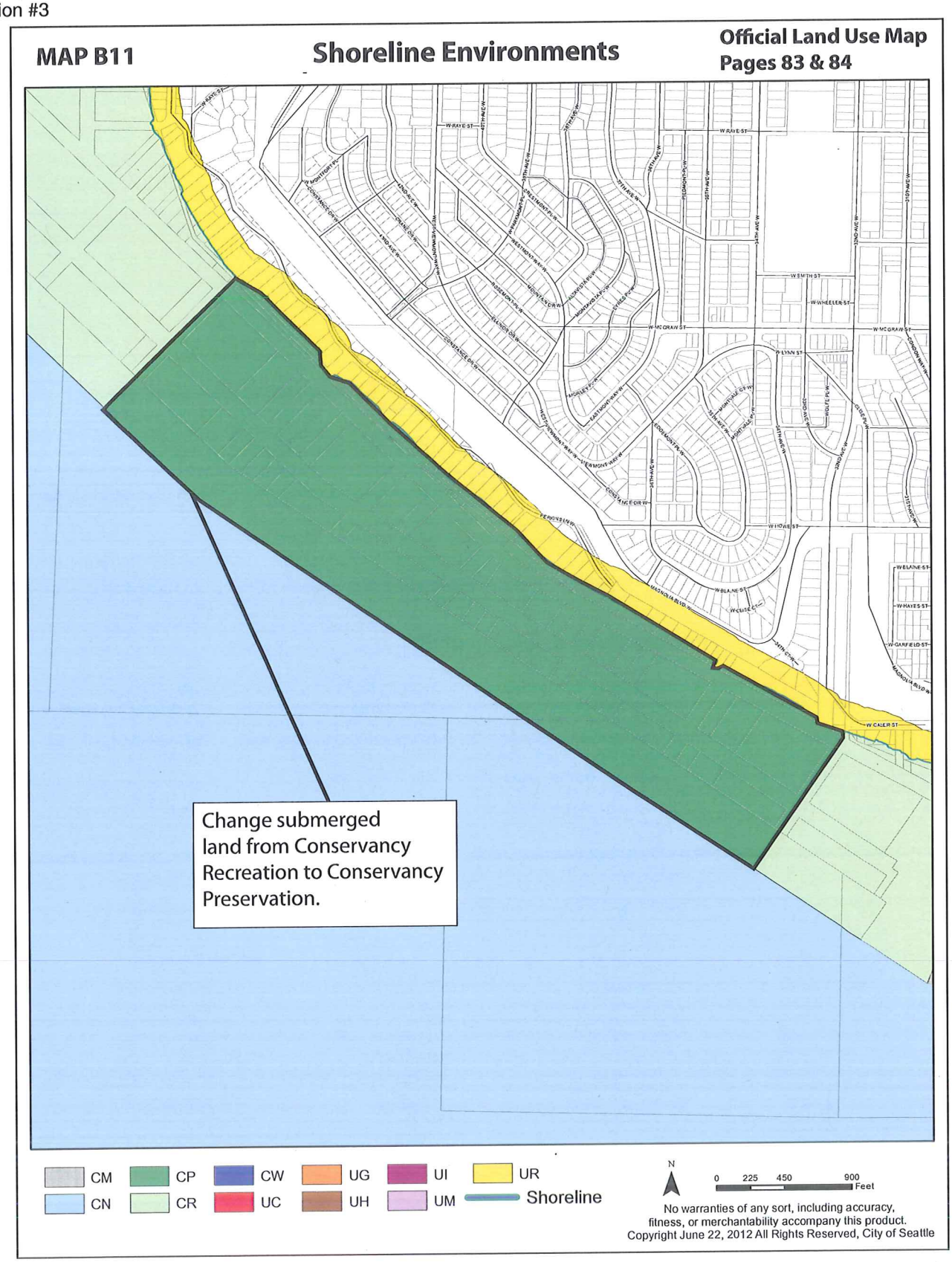

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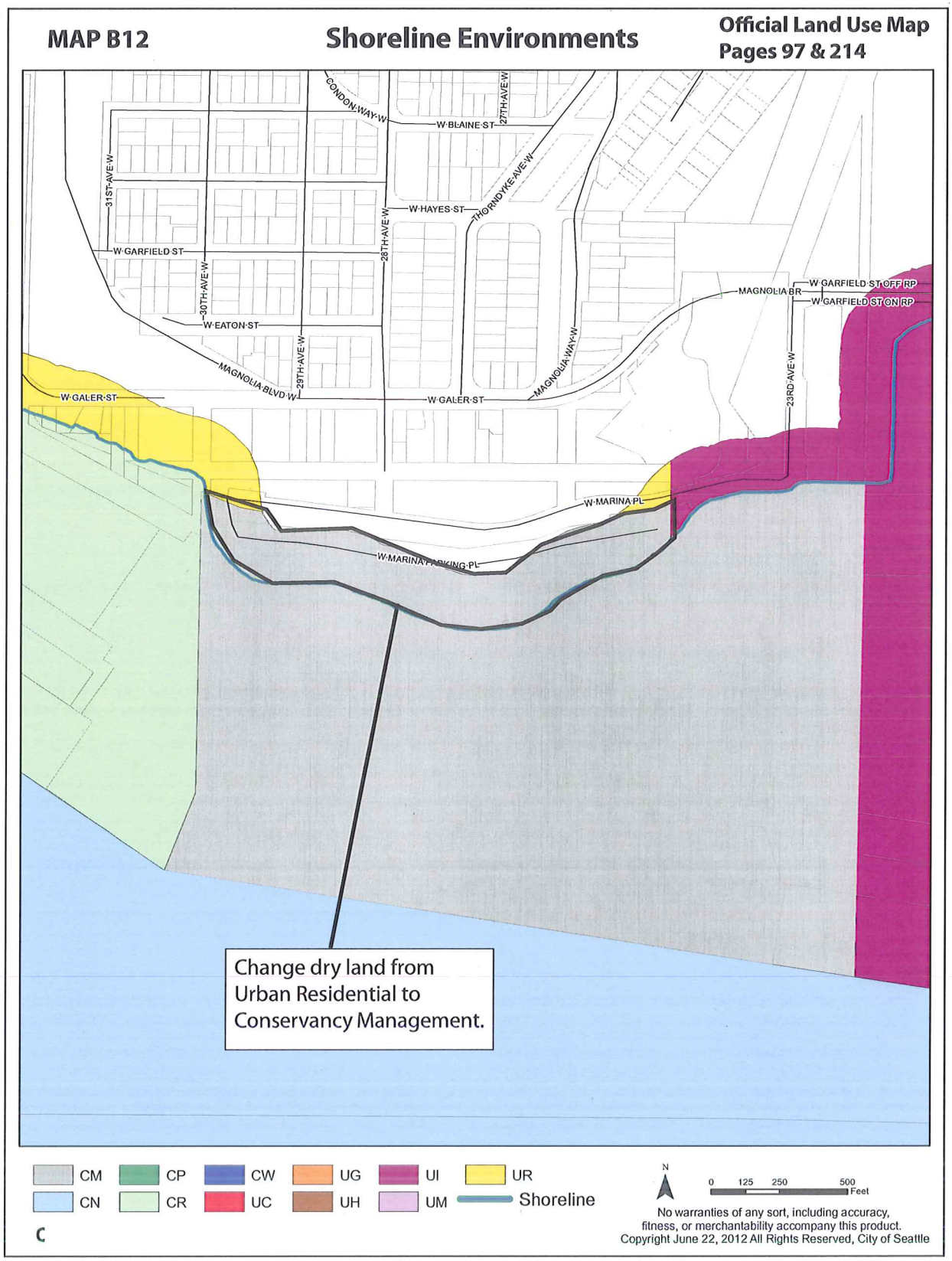
MAP B12
Shoreline Environments
Official Land Use Map
Pages 97 & 214
CONDON WAY W
W BLAINE ST
27TH AVE W
31ST AVE W
THORNDYKE AVE W
W HAYES ST
28TH AVE W
W GARFIELD ST
30TH AVE W
MAGNOLIA BR
W GARFIELD ST OFF RP
W GARFIELD ST ON RP
W EATON ST
29TH AVE W
MAGNOLIA BLVD W
MAGNOLIA WAY W
W GALER ST
23RD AVE W
W MARINA PL
W MARINA PARKING PL
Change dry land from Urban Residential to Conservancy Management.
CM
CN
CP
CR
CW
UC
UG
UH
UI
UM
UR
Shoreline
N
0 125 250 500 Feet
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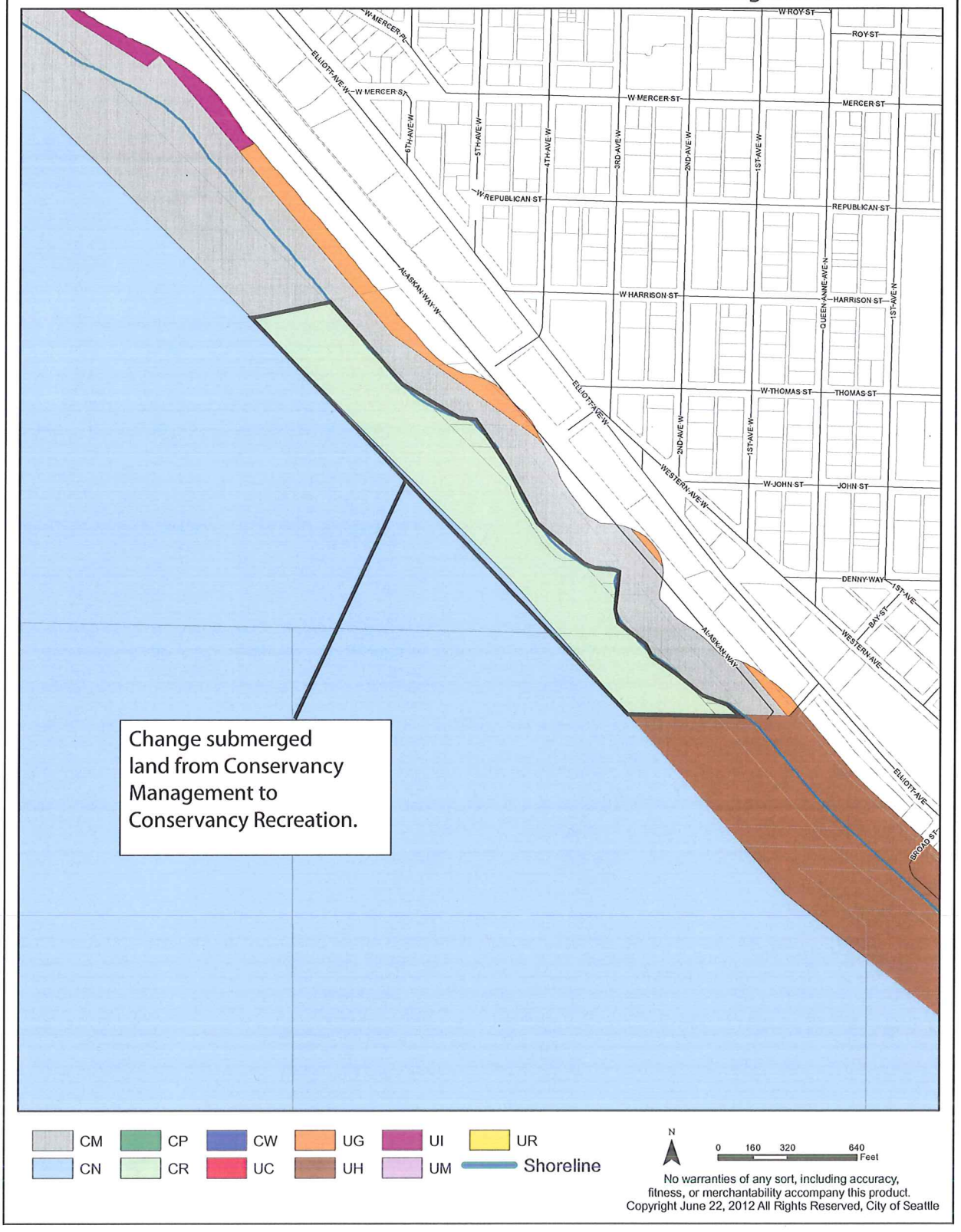
MAP B13 **Shoreline Environments** **Official Land Use Map Pages 99 & 215**



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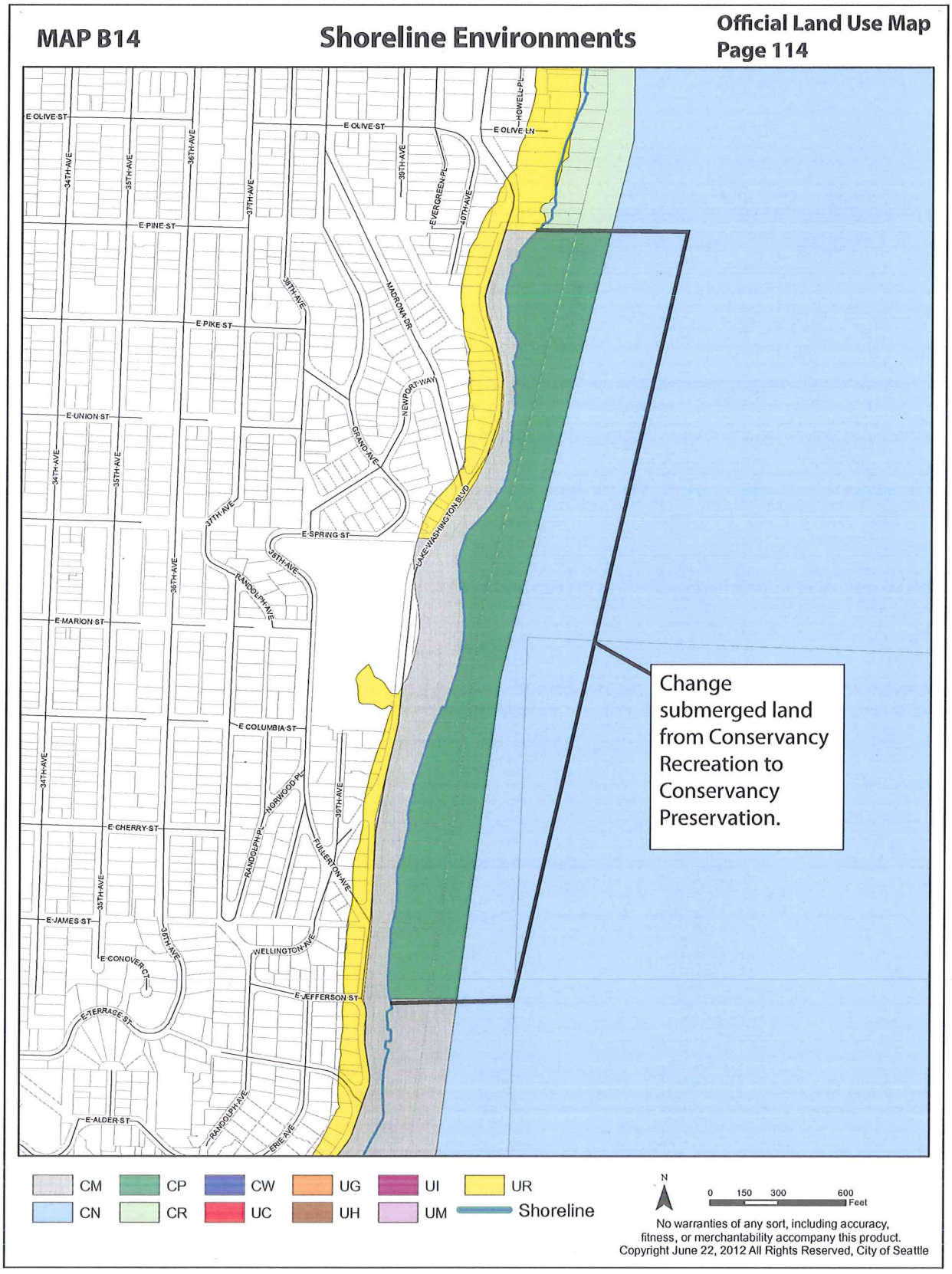

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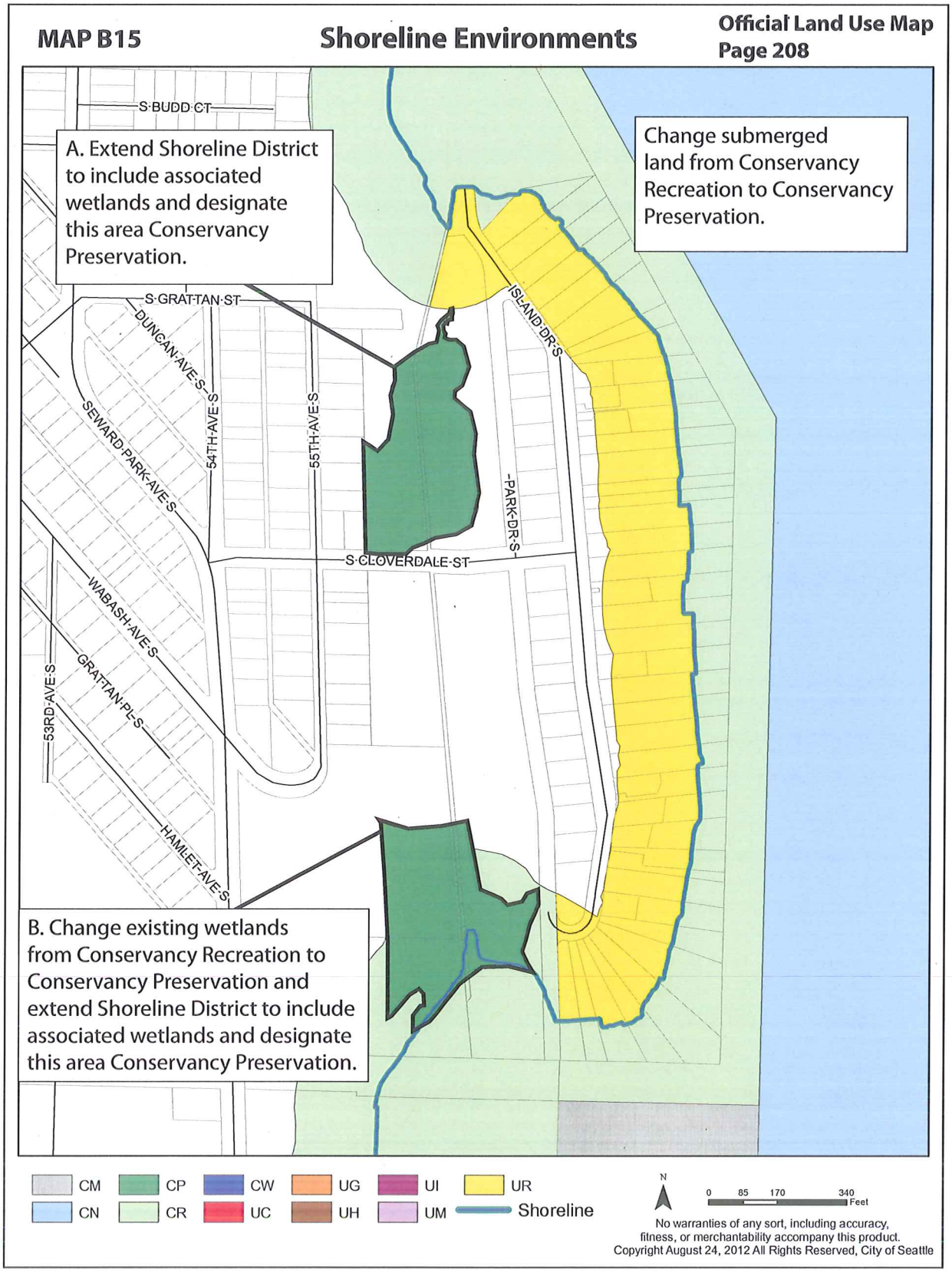
MAP B15
Shoreline Environments
Official Land Use Map
Page 208
A. Extend Shoreline District to include associated wetlands and designate this area Conservancy Preservation.
Change submerged land from Conservancy Recreation to Conservancy Preservation.
B. Change existing wetlands from Conservancy Recreation to Conservancy Preservation and extend Shoreline District to include associated wetlands and designate this area Conservancy Preservation.
S BUDD CT
S GRATTAN ST
DUNCAN AVE S
SEWARD PARK AVE S
54TH AVE S
55TH AVE S
ISLAND DR S
PARK DR S
S CLOVERDALE ST
WABASH AVE S
GRATTAN PL S
53RD AVE S
HAMLET AVE S
CM
CN
CP
CR
CW
UC
UG
UH
UI
UM
UR
Shoreline
N
0 85 170 340
Feet
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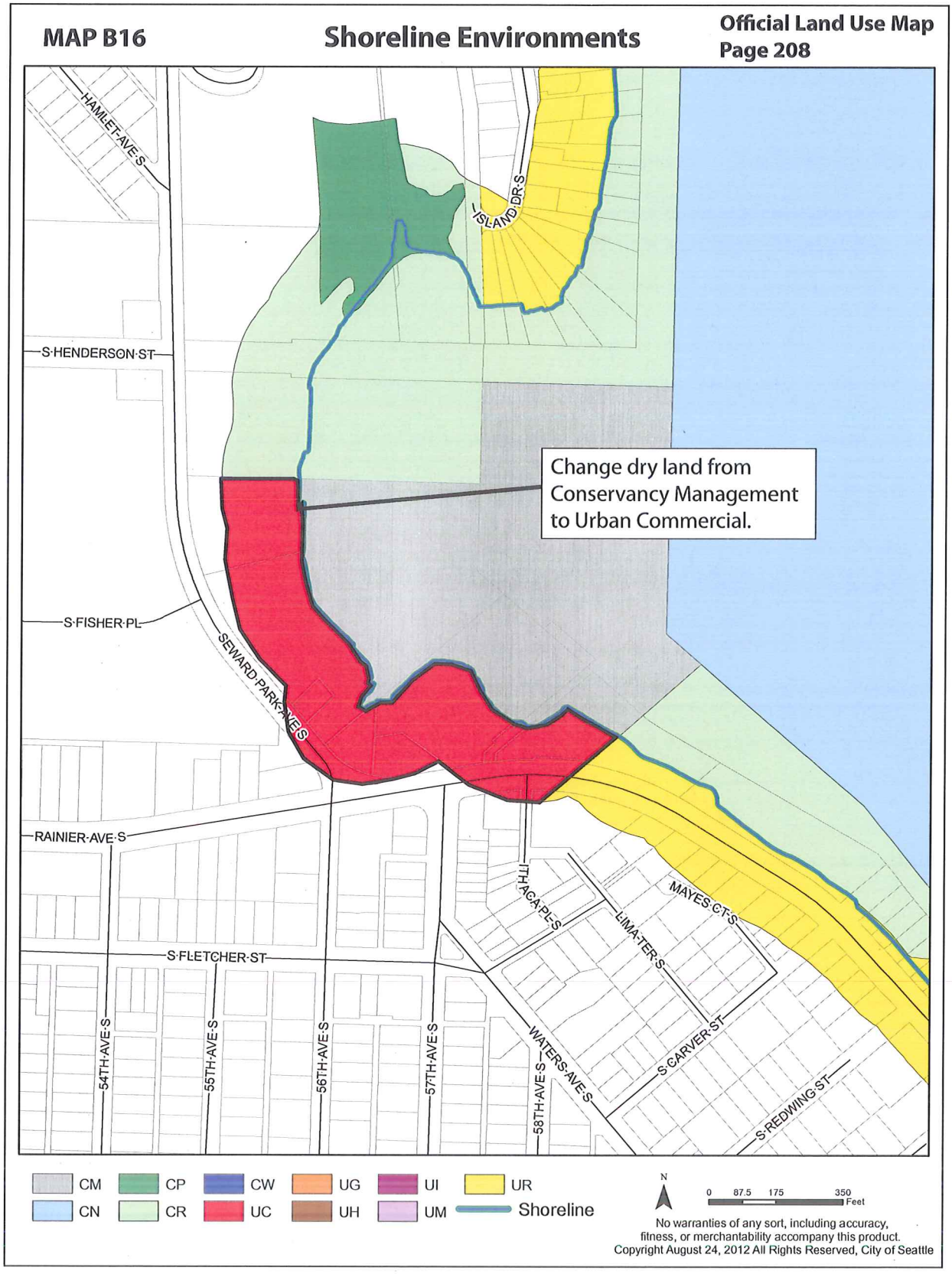
MAP B16
Shoreline Environments
Official Land Use Map
Page 208
HAMLET AVE S
ISLAND DR S
S HENDERSON ST
Change dry land from Conservancy Management to Urban Commercial.
S FISHER PL
SEWARD PARK AVE S
RAINIER AVE S
ITH
ACA PL S
MAYES CT S
LIMA TER S
S FLETCHER ST
54TH AVE S
55TH AVE S
56TH AVE S
57TH AVE S
58TH AVE S
WATERS AVE S
S CARVER ST
S REDWING ST
CM
CP
CW
UG
UI
UR
CN
CR
UC
UH
UM
Shoreline
N
0 87.5 175 350
Feet
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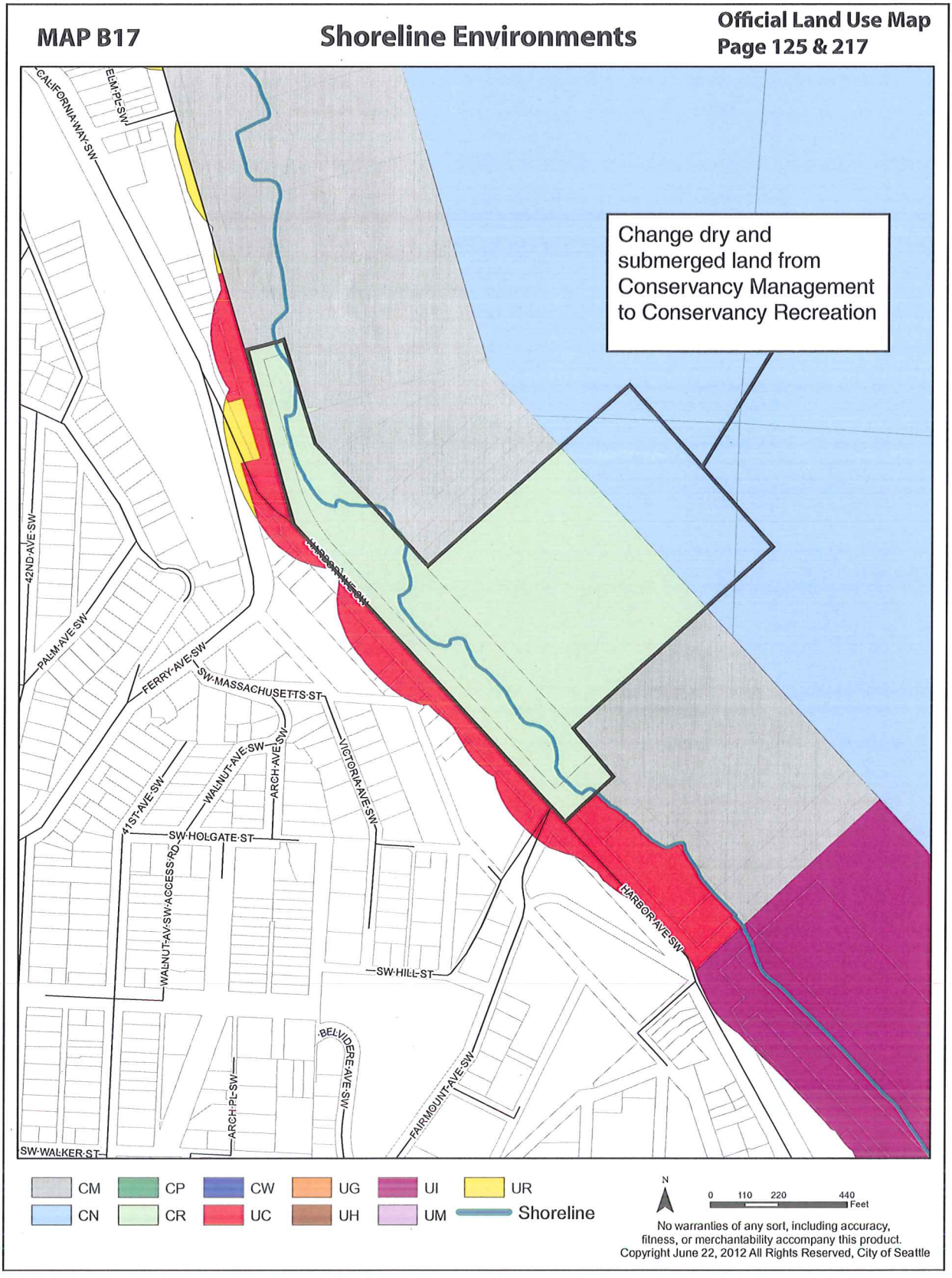

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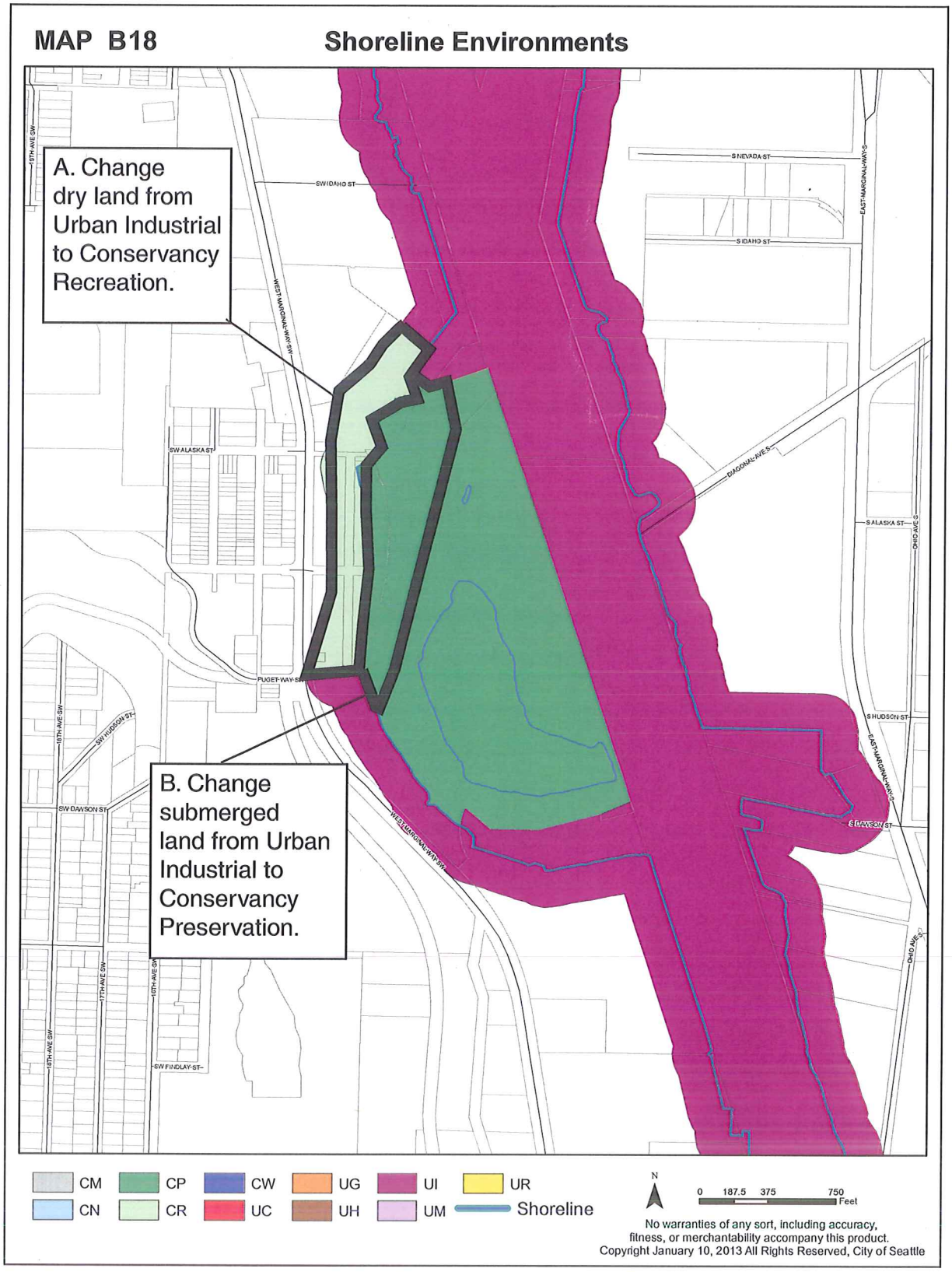

Margaret Glowacki
DPD Shoreline Master Program Ordinance EXH C
August 27, 2012
Version 1

AUGUST 2012

Restoration and Enhancement Plan FINAL

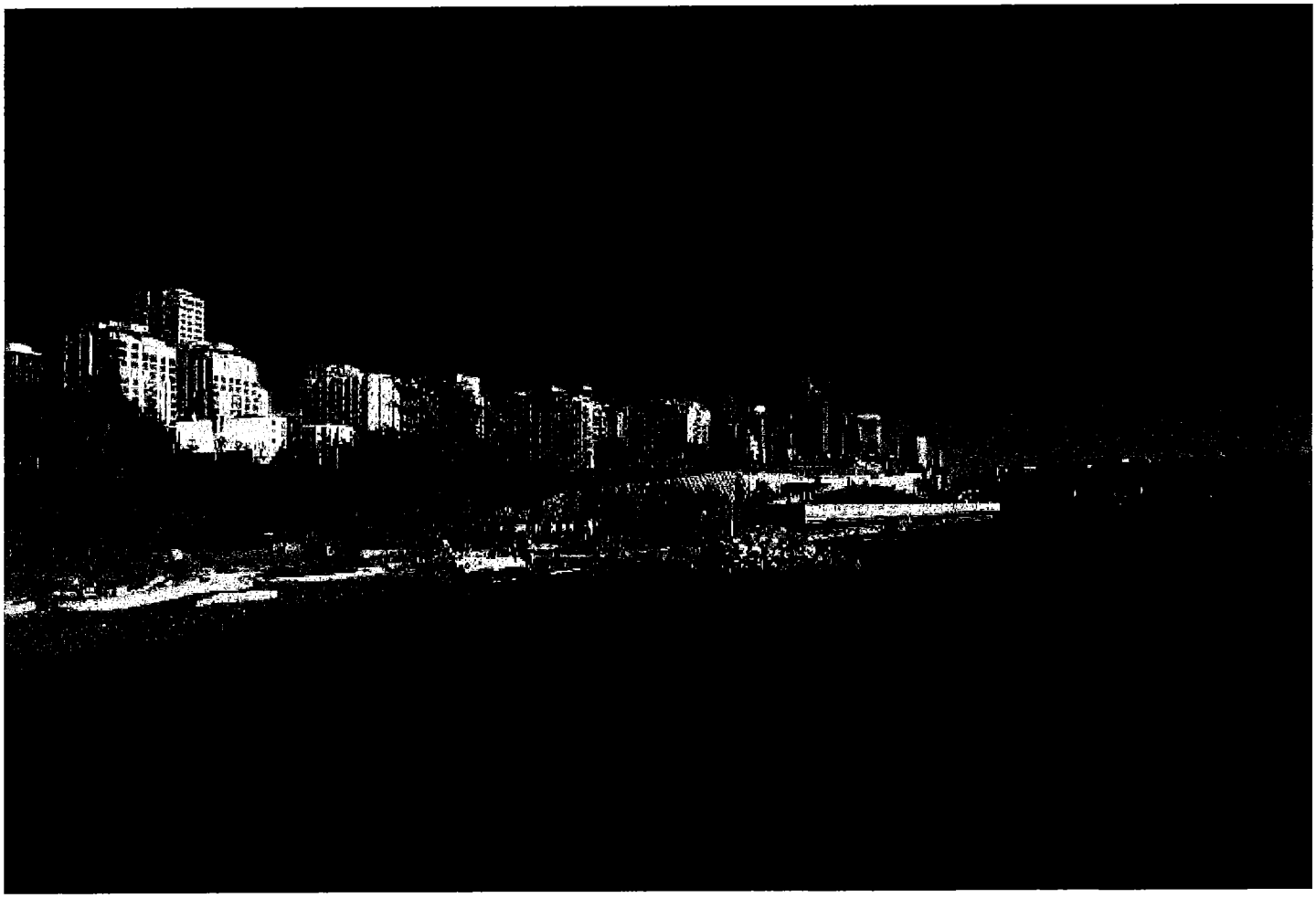

Exhibit C to the DPD Shoreline Master Program Ordinance

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FINAL

RESTORATION AND ENHANCEMENT PLAN

CITY OF SEATTLE SHORELINE MASTER PROGRAM

Prepared for
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Department of Planning and Development
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August 2012

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EDUCATION AND SEMINAR SERIES

PLAN

CITY OF SEATTLE

STORMWATER QUALITY PROGRAM

ACKNOWLEDGEMENTS AND COLLABORATORS

This report was prepared by Anchor QEA, LLC, with input from the City of Seattle Department of Planning and Development. Review of the report was conducted by the following City of Seattle departments: Public Utilities, Transportation and Parks and Recreation. The base information for this report is from Seattle's Shoreline Characterization Report completed in March of 2009, available on DPD's website at: http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate/ReportsMaterials/default.asp. The contributions of these authors and reviewers are acknowledged and appreciated.

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LIST OF ACRONYMS AND ABBREVIATIONS

ALEA	Aquatic Lands Enhancement Account
City	City of Seattle
CMP	Campus Master Plan
CSO	combined sewer overflow
CWCAP	Carkeek Watershed Community Action Project
DRCC/TAG	Duwamish River Cleanup Coalition
Ecology	Washington State Department of Ecology
GIS	Geographic Information System
ILF	in-lieu fee
LWD	large woody debris
LDR Plan	Lower Duwamish River Habitat Restoration Plan
OHW	ordinary high water
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRDA	Natural Resource Damage Assessment
PSNERP	Puget Sound Nearshore Ecosystem Restoration Project
Plan	Restoration and Enhancement Plan
Port	Port of Seattle
PSNERP	Puget Sound Nearshore Ecosystem Restoration Project
PSP	Puget Sound Partnership
Puget Sound TRT	Puget Sound Technical Recovery Team
RCW	Revised Code of Washington
SDOT	Seattle Department of Transportation
SFLO	Washington Department of Natural Resources Small Forest Landowner Office
SMA (or the Act)	Washington State Shoreline Management Act
SMP	City of Seattle Shoreline Master Program
SRFB	Salmon Recovery Funding Board
State	State of Washington
TIA	total impervious surface area
UW	University of Washington
WAC	Washington Administrative Code

GLOSSARY

The following terms will have these definitions in the context of this Restoration and Enhancement Plan. They are listed in alphabetical order.

ecological function	The work performed or role played individually or collectively by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the natural environment.
goals	Measures by which the City of Seattle's vision can be met.
habitat	An ecological or environmental area that is inhabited by and may have capacity to support the survival and growth of organisms.
impairment	Habitat degradation; in this document, refers to the loss of ecological function of shorelines as described in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009).
impervious surface	Any surface exposed to rainwater from which most water runs off. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, formal planters, parking lots or storage areas, concrete or asphalt paving, permeable paving, gravel surfaces subjected to vehicular traffic, compact gravel, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of stormwater modeling.
measures of success	Measurable criteria that are currently quantified and which are suitable for before/after comparison. The City of Seattle may use these to evaluate site-specific or overall restoration action success; e.g., compare total linear feet of bulkhead in an area before and after a restoration action takes place.
project	A site-specific set of habitat activities.
reach and sub-reach	For the purposes of this report, a reach is a contiguous area within the shoreline jurisdiction that has somewhat consistent physical and biological conditions. Sub-reaches are contiguous areas of

shorelands with relatively consistent levels of impairment, contiguous areas with variations in impairment that fall within a distinct range, contiguous areas with impairment that follows a consistent trend and in rare cases contiguous areas with heterogeneous levels of impairment.

restoration "the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions" (Washington Administrative Code [WAC] 173-26-020). In the context of this document, restoration is a blanket term encompassed by four restoration strategies, which are described under "**restoration strategy**" below.

restoration strategy Refers to the four strategies of protection, restoration of ecological processes, rehabilitation, and creation. These are the Puget Sound Technical Recovery Team's (Puget Sound TRT's) proposed general habitat management strategies, including protection, restoration, rehabilitation, and substitution, that are to be used by watershed groups and others working for regional salmonid recovery (Puget Sound TRT 2003):

- Protection can be applied where habitat is presently functioning at a high level and supports natural habitat-forming or -sustaining processes. For example, conserve the natural sediment delivery processes from a feeder bluff to the intertidal zone by keeping that section of shoreline unarmored.
- Restoration of ecological processes can be applied where habitat is impaired but natural processes can be recovered. For example, restore the natural sediment delivery processes from a feeder bluff to the intertidal zone by removing shoreline armoring that currently prevents bluff material from eroding and entering the intertidal zone.
- Rehabilitation can be applied where habitat is impaired and restoration of full function and supporting processes appears infeasible; however, limited improvements to functions and

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supporting processes can be achieved through partial re-establishment of ecosystem processes or functions. For example, rehabilitate the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by moving any sediment that erodes from the bluff over the armoring and into the intertidal zone.

- Creation can be applied where habitat function is lost through anthropogenic degradation and restoration and/or rehabilitation are not possible, but creation of habitat features to lead to replacement of lost function can be accomplished. For example, substitute the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by importing sediment and placing it in the intertidal zone to "nourish" the beach.

restoration actions A list of the actions on which effort and funding could be applied.

shorelands Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters.

structure The composition and arrangement of physical attributes that compose habitat and that are formed as a result of watershed processes.

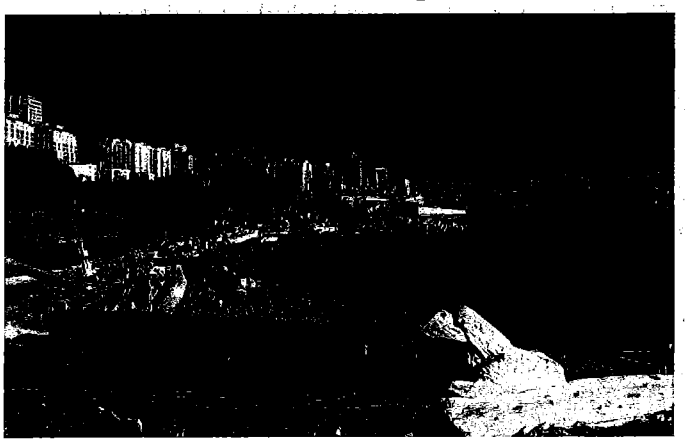
sub-reach See "reach."

vision Conceptual description of desired future shoreline condition.

watershed processes The dynamic physical and chemical interactions that form and maintain the landscape at the geographic scales of watersheds to basins (hundreds to thousands of square miles; Stanley et al. 2005). These processes include the delivery, movement, and loss of water, large woody debris, sediment, phosphorus, nitrogen, toxins, and pathogens, as well as wave energy, tidal influences, and light energy.

EXECUTIVE SUMMARY

This Restoration and Enhancement Plan (Plan) has been prepared in support of the City of Seattle's Shoreline Master Program (SMP) update.



The State of Washington's (State's) SMP guidelines state that SMPs are to "include goals, policies and actions for restoration of impaired shoreline ecological functions" (WAC 173-26-186). The impaired functions are to be identified based on a detailed inventory and characterization of the shoreline ecosystem, and a restoration plan is to be formulated based on that information. Therefore, this Plan includes a description of the inventory and characterization completed for Seattle, and describes how and where potential exists for shoreline restoration within City of Seattle (City) boundaries. This Plan is not a regulatory document or a set of regulatory requirements. However, the SMP points to this Plan as a guide for identifying opportunities to improve the ecological function of Seattle shorelines.

The Plan includes the following elements, according to SMP recommendations:

- Plan scope and the overall vision and goals for restoration of degraded shoreline areas and impaired ecological functions (Section 1).
- Current and ongoing restoration plans applicable to City shorelines and a description of restoration programs and existing or potential partners (Section 2).
- Procedures used for identification of restoration actions: determining impairments, application of restoration strategies, and selection of sites for potential restoration (Section 3).
- Identification of impairments and applicable restoration actions needed to achieve restoration goals for various City shorelines (Section 4).
- Implementation strategies to bring restoration projects toward completion, and review of these projects in meeting overall restoration goals, including timelines and benchmarks, prospective funding sources, obstacles and challenges, and monitoring (Section 5).

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Plan Purpose and Scope

The scope of this Plan is as a non-regulatory document prepared under the SMP guidelines. As such, it contains the inventory-based process and results for identification of restoration actions and projects in the City of Seattle. The Plan scope does not include regulatory language, will not fully incorporate or directly align with outside restoration planning documents, and does not contain mitigation requirements, concepts, or projects.

The State's shoreline guidelines define restoration as "the re-establishment or upgrading of impaired ecological shoreline processes or functions." In the context of this document, restoration is a blanket term covering four "restoration strategies" and is implemented by "restoration actions." The four restoration strategies discussed in this document are: protection, restoration of ecological processes, rehabilitation, and creation.

SMP Restoration Definition, Vision, and Goals

As part of the SMP update process, the City has developed an overall vision for shoreline restoration. Goals have been developed that describe the specific measures that should be undertaken to meet the vision and which, in most cases, can be used as metrics to monitor the City's progress in achieving the vision.

Existing Restoration Planning, Programs and Partners

Many groups are involved in shoreline restoration in and around the City, including the City of Seattle, the Port of Seattle, the University of Washington, the Puget Sound Partnership, watershed groups, and several local environmental nonprofit groups and community organizations.

Within the City of Seattle organization, Seattle Public Utilities is part of salmon recovery planning for Water Resource Inventory Areas 8 and 9, the Cedar–Sammamish and Green–Duwamish watersheds respectively. Seattle Public Utilities has helped coordinate and fund both scientific research regarding salmonid use of shorelines and effectiveness monitoring of restoration projects in this role. Seattle Parks and Recreation has implemented many shoreline restoration projects along Lake Washington, the Ship Canal, the Duwamish River and Puget Sound and has received funding from both the King Conservation District and Salmon Recovery Funding Board for these projects. Seattle Department of Transportation is involved with planning for the replacement of the seawall along Seattle's waterfront and has

been testing alternatives to the homogenous surface with the goal of improving habitat for salmonid species and other aquatic organisms in Elliott Bay.

The Port of Seattle (Port) has directly funded several shoreline restoration projects and is a contributor to shoreline restoration planning within the City of Seattle. The Port's 2007 Seaport Shoreline Plan and 2009 Lower Duwamish River Habitat Restoration Plan (Port of Seattle 2009) outline opportunities and plans for fish and wildlife habitat along Seattle shorelines.

The University of Washington (UW) plans for and implements shoreline restoration at its Seattle Campus through its Campus Master Plan, its certification by Salmon-Safe, its work in wetlands research, and by securing public access, open space, and water-dependent recreational areas along its shorelines.

The Puget Sound Partnership (PSP) has created a plan for cleanup, restoration, and protection for Puget Sound through its 2011 Action Agenda. The Action Agenda has identified priority strategies for implementation, as well as near-term actions to support these strategies.

Other nonprofit community groups involved in restoration in Seattle include Carkeek Watershed Community Action project, Duwamish River Cleanup Coalition and Technical Advisory Group, Earth Corps, Fauntleroy Watershed Council, Friends of Madrona Woods, Friends of the Cedar River Watershed, People for Puget Sound, Puget Soundkeeper Alliance, the Seattle Aquarium, and others.

Applicable Restoration Actions

Determining the applicable actions to implement restoration strategies on the City shorelines relied upon a detailed shoreline analysis, which classified impairment levels of basic ecological functions. These results were presented in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009). Shorelines assessed were Lake Washington; Lake Union and the Ship Canal; the Duwamish River; Puget Sound, including Elliott Bay and Shilshole Bay; and Green Lake. The framework was based on a method used by regional scientists that provides a streamlined approach for characterizing watershed processes. Processes evaluated included delivery, movement, and loss of water, large woody debris (LWD), sediment, phosphorus, nitrogen, toxins, and pathogens, as they enter, pass through, and eventually leave the watershed; wave energy and tidal influences for marine shorelines; and light energy, including artificial light. The assessment identified the level of impact on

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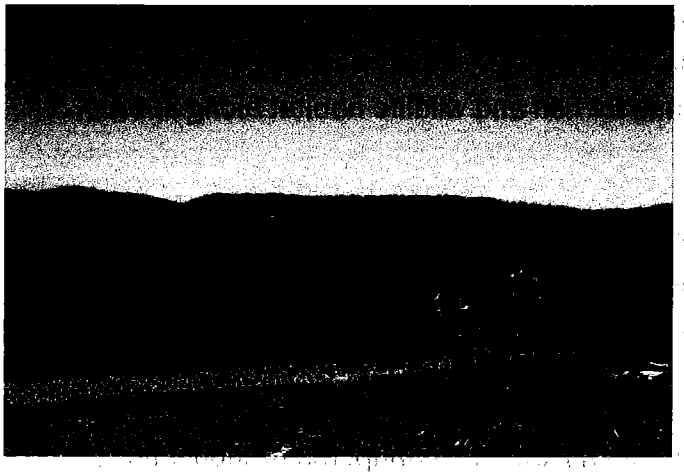
habitat function in discrete shoreline reaches within City limits. Reaches were classified in the analysis into five categories of degradation: most impaired, more impaired, moderately impaired, less impaired, and least impaired.



This Plan acknowledges that the context of the impairments within the overall landscape should be considered. As sites vary in their landscape context and condition, they are appropriate for certain restoration strategies over others.

Needs were determined for shoreline areas by evaluating the degree of ecological impairment for various watershed processes, and by identifying restoration actions that would address conditions as they relate to the habitat these processes influence. Applicable restoration actions were thus set to improve impaired ecological functions and/or protect existing function. Restoration actions to be taken are provided with general descriptions on a reach scale. Detailed site-specific descriptions are not included because this information is already available in several existing restoration planning documents (documents listed in Section 3).

City-wide Impairments Summary

Within Seattle, all shoreline habitats have been impaired to some degree by human alterations; however, there are some areas that continue to provide relatively high quality habitat. The distribution of habitat impairments is uneven. The heavily industrialized shorelines of Lake Union downstream to the Ballard Locks, Elliott Bay, and the Harbor Island portion of the Duwamish River Estuary are the most impacted reaches, and even within these reaches, there are some areas with higher habitat function (i.e., less impairment). Among the least impacted areas in the City are Seward Park, Union Bay, West Point and Magnolia Bluffs and Lincoln Park to Fauntleroy Cove.

For each segment of Seattle's shorelines (e.g. Lake Washington, Puget Sound), the below table lists the following important findings: highest and lowest functioning habitats, most impaired processes, highest applicable restoration actions, and high priority areas for protection.

Summary Findings for Restoration of Seattle's Shorelines

Segment	Highest Functioning Habitats	Lowest Functioning Habitats	Most Impaired Processes	Highest Applicable Restoration Actions	High Priority Areas for Protection
Lake Washington	Mature vegetated areas of the segment along the Burke-Gilman Trail, Matthews Beach, the Thornton Creek delta, Union Bay Natural Area (northern Union Bay), and the parks	Residentially developed areas where docks and armoring predominate, particularly in the areas south of Seward Park and from Madison Park to Colman Park (not including the parks)	Toxins, pathogens, sediment, water and wave	Armoring removal, water treatment, and riparian vegetation restoration	Areas with the least impairments; among these are wetland habitats of Union Bay and the areas of unarmored shoreline and riparian vegetation at Seward Park, in addition to any recent restoration project sites Stream mouths
Lake Union and Ship Canal	South shoreline of Portage Bay	West shoreline of Portage Bay and Fisherman's Terminal	LWD, phosphorus, sediment, toxins, and water	Armoring removal, stormwater treatment, riparian vegetation restoration, substrate debris removal	East Montlake Park and recent restoration sites, such as Salmon Bay Natural Area Undeveloped shoreline areas in Lake Union Creek mouths Areas with kelp or eelgrass beds
Duwamish River	Kellogg Island, the adjacent shoreline, and	Industrial shorelines of remainder of Duwamish	Light, LWD, nitrogen, phosphorus, toxins,	Armoring removal, water treatment, and	Recent restoration sites, such as Herring's House

Segment	Highest Functioning Habitats	Lowest Functioning Habitats	Most Impaired Processes	Highest Applicable Restoration Actions	High Priority Areas for Protection
	the shore across the river from the island	River study area	water, and wave energy	riparian vegetation restoration	Park, and the Terminal 105 Coastal America site
Puget Sound, including Shilshole Bay and Elliott Bay	Unarmored portions of Golden Gardens Park, the creek mouth at the southern end of Golden Gardens Park, and their associated marshes; Discovery Park, Lincoln Park, and Seola Park	Shilshole Bay and Elliott Bay Marinas, the central waterfront, and Terminals 90 and 91	Pathogens and sediment	Armoring removal, stormwater treatment, riparian vegetation restoration, beach nourishment, LWD placement, and daylighting streams	Discovery Park, primarily West Point and Magnolia Bluffs, as well as recent restoration project sites such as Olympic Sculpture Park
Green Lake	Unarmored shores, vegetated riparian zones	Armored shores, unvegetated riparian zones	Nitrogen and phosphorus	Alum treatment or other similar action to treat high phosphorus levels; bioswales or similar treatments that would help to reduce the input of nutrients and pollutants into the lake	Unarmored shores, vegetated riparian zones

Implementation

Implementation of this Plan will be a joint effort within the City and between the City and its partners. As is the case for most restoration work, the opportunities described in this Plan will require extensive cooperation and coordination with citizens, public agencies, private landowners, and other stakeholders.

The City's Comprehensive Plan will direct City departments to continue their work restoring the City's shorelines and to use the Plan to guide their efforts. The City's work as it relates to this Plan will be monitored and evaluated on a set timeline against a suite of benchmarks to determine consistency with the State's SMP standard to improve ecological function over-time with the implementation of the Plan. This Plan will be implemented when Seattle's Shoreline Master Program is adopted by the Washington State Department of Ecology, with a timeline based on 10-year intervals. At each interval, ecological benchmarks will be evaluated for change.

There is currently no dedicated funding source for the restoration actions presented herein. Implementation of the work described in this Plan is dependent on grant funding, and a variety of other outside funding sources. It is expected that funding will be derived from various sources. Redevelopment of the shoreline is acknowledged as a key opportunity for restoration along urban shorelines such as Seattle's. When shoreline property is redeveloped, opportunities exist not only to mitigate for redevelopment-related impacts but also to go beyond regulatory mitigation and provide restoration of shoreline ecological function.

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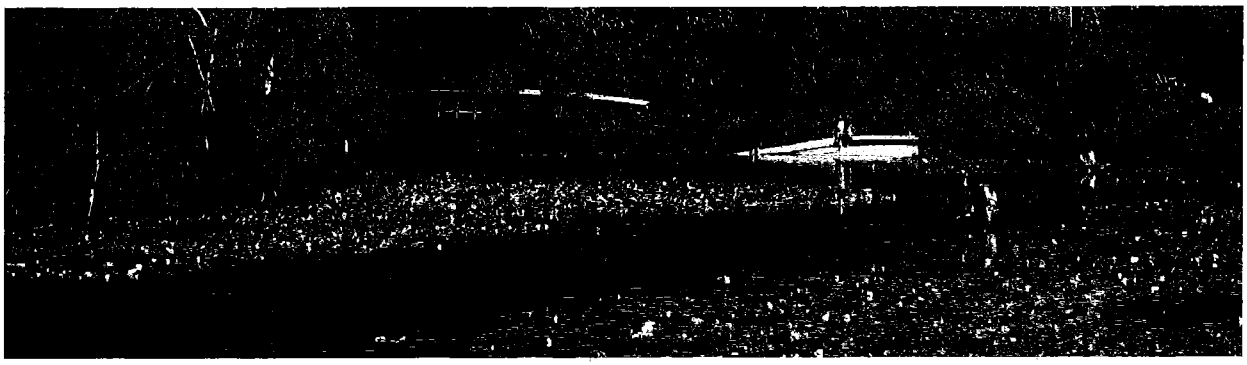

1 INTRODUCTION

This Restoration and Enhancement Plan (Plan) is prepared in support of the City of Seattle's Shoreline Master Program (SMP) update. The SMP is being updated to comply with the Washington State Shoreline Management Act (SMA or the Act) requirements (Revised Code of Washington [RCW] 90.58) and the state's SMP guidelines (Washington Administrative Code [WAC] 173-26, Part III-201 2[f]), which were adopted in 2003. The City of Seattle (City) SMP is composed of policies and regulations that regulate the use and development of the City's rivers, lakes and marine shorelines and this Restoration and Enhancement Plan.

The SMP must give preference to certain shoreline uses, in the order as follows: 1) reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health; 2) reserve shoreline areas for water-dependent and associated water-related uses; 3) reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives; 4) locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses; and 5) limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act (WAC 173-26-201(2)(d)).

The State's SMP guidelines state that SMPs are to "include goals, policies and actions for restoration of impaired shoreline ecological functions" (WAC 173-26-186). The impaired functions are to be identified based on a detailed inventory and characterization of the shoreline ecosystem, and a restoration plan is to be formulated based on that information (WAC 137-26-201). The results of Seattle's inventory assessment are presented in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009). This document uses that information to address the restoration plan requirements discussed in the SMP guidelines. This Plan is not a regulatory document or a set of regulatory requirements. However, the SMP points to this Plan as a guide outlining opportunities for improving shoreline ecological function.

The scope of this document, the vision for restored shorelines, and the context of this Plan in complying with the state's SMP policies are discussed next.

1.1 Plan Purpose and Scope

This section describes the purpose and scope of this Plan, as well context for topics outside the scope of the Plan.

1.1.1 What This Plan Contains

The purpose of this Plan is to describe how and where shoreline ecological functions can be restored within City boundaries. (City boundaries, shoreline reaches, and shoreline restoration actions are shown on Map A [separate document].) The SMP guidelines articulate that the Plan is to include: 1) an identification of existing and ongoing projects and programs, additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs; 2) an identification of timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals; and 3) provisions for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

In accordance with the SMP guidelines, this Plan discusses the overall goals and applicable restoration actions of degraded shoreline areas and impaired ecological functions (Section 1). Then, the Plan identifies current and ongoing plans applicable to the City shorelines and a description of restoration partners and programs in the vicinity (Section 2). Section 3 includes a discussion of the procedures used in an analysis to identify degraded areas, impaired ecological functions, and sites with potential for restoration of City shorelines. The results of this analysis and the most applicable restoration actions for various City shorelines are provided in Section 4.

Finally, the Plan identifies strategies to ensure that restoration actions will be implemented and to appropriately review its effectiveness in meeting the overall restoration goals (Section 5). This includes timelines and benchmarks for implementing the strategy, prospective funding sources for restoration actions, obstacles and challenges to achieving goals, and an overview of monitoring for the Plan.

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1.1.2 What This Plan Does Not Contain

While the Plan incorporates elements of other shoreline restoration planning documents that involve the City's shorelines, the scope of this Plan under the SMA guidance does not extend to that of a master document combining and aligning priorities of other shoreline restoration documents, plans, or efforts. As previously stated, the scope is significantly smaller: this Plan is required to base its conclusions on a detailed inventory and characterization of the shoreline ecosystem. However, in recognition that the contributions of these other shoreline restoration documents, plans, or efforts can have significant value to ecosystems, the Plan has been constructed to consider and incorporate priorities where the goals and objectives of the SMA and other documents converge.

It is important to clarify that restoration as it is discussed here is distinct from the concept of no net loss. The state's SMP policies include a standard of no net loss of ecological functions that are necessary to be achieved in the specific SMP regulations and through the implementation of the new SMP regulations. The Washington State Department of Ecology (Ecology) has clarified that this means that "establishing uses or conducting development are identified and mitigated with a final result that is no worse than maintaining the current level of environmental resource productivity" and "no uses or development supersede the requirement for environmental protection" (Ecology 2004). Thus, mitigation activities are the method by which no net loss is achieved. The distinction between the SMP's no net loss requirements and the requirements of the restoration plan is that the goals of the restoration plan is to go beyond no net loss by increasing ecological functions by repairing ecological processes or by increasing the amount, size, and/or functions of components of an ecosystem compared to the baseline conditions (Thom et al. 2005). Therefore, mitigation activities required to achieve no net loss because of impacts caused by a development project is not considered restoration under this Plan.

The Plan does not include guidance for in-lieu fees (ILFs) as a restoration tool because ILFs are considered mitigation meeting the state's requirement for "no net loss" (WAC 173-26-241(2)(a)(iv). The Plan is not a mitigation instrument or guidance document; an ILF program would be handled with City regulations outside the scope of this document.

1.2 SMP Restoration Definition, Vision, and Goals

Washington State's shoreline guidelines define restoration as "the reestablishment or upgrading of impaired ecological shoreline processes or functions". This may be accomplished through measures including but not limited to re-vegetation, removal of

intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions" (WAC 173-26-020). In the context of this document, "restoration "is a blanket term covering four "restoration strategies" and is implemented by "restoration actions." Restoration strategies are described in detail in Section 3.

The City's vision for restoration in this SMP is based on science, policy, and public input. The *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003) is a document which provides the science behind the City's desired future shoreline conditions and describes a variety of project actions that along with policy and public education actions can lead to restored habitats in Seattle. The SMA policy goals for SMPs were considered, (preferred shoreline uses, environmental protection, and public access). To develop the vision, the City undertook a community visioning process. During this process the citizens of Seattle expressed the desire to balance the three goals of the SMA and a strong interest in a natural and functioning shoreline (details on the visioning process are described in the Vision Report; City of Seattle 2012). Vision statements are summarized here.

The City's vision for restoration includes a shoreline with net gains in:

- Preferred shoreline uses:
  - Thriving water-dependent industrial and commercial uses.
  - Educational opportunities to reflect Seattle's maritime history and water-dependent business.
- Environmental protection:
  - Shoreline ecological function by protecting and/or improving watershed processes and habitat features.
  - Salmon populations and other fish and wildlife that depend on resources or habitat associated with the shoreline (e.g. eagles, great blue herons, otters).
  - Public understanding of the impact of policy and land use changes on environmental health
- Public access:
  - Variety of public access points for various users.
  - Views of the water and connectivity in green spaces with pedestrian and bicycle corridors.
  - Public transit and parking that serves public shoreline access.

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This Plan describes a variety of applicable restoration actions that along with policy and public education actions can help the City to achieve the vision. Goals have been developed to meet the vision which can be used as metrics to monitor the City's progress in achieving the vision.

The City's goals for shoreline restoration are to:

- Protect and restore shoreline processes and functions, especially in those areas identified as having geological or biological significance.
- Protect and restore softer, more natural shorelines that feature native plants and control of noxious weeds; more trees in more locations; and improved water quality.
- Protect and restore a diversity of habitats and strengthen ecological and physical connections between habitats.
- Support the monitoring and study of the shoreline systems that will provide a continuously updated baseline against which to judge the impact of any action.
- Support programs that inform the public about shoreline conservation practices, and identify methods by which public and private shoreline owners or community groups may encourage wild, aquatic, and botanical life, and require such methods when appropriate and provide incentives for such projects.

These restoration goals can be met by applying appropriate restoration strategies and implementing restoration actions for Seattle shorelines (see Sections 4 and 5 of this Plan). An implementation strategy and benchmarks will be used to determine whether these goals are being met and the vision is being achieved (see Section 6 of this Plan).

2 EXISTING RESTORATION PLANNING, PROGRAMS, AND PARTNERS

There is a sizable body of literature on recent habitat and environmental planning that pertain to City shoreline ecosystems, flora, and fauna. These documents collectively describe a number of plans, projects, and status of the science within the City. The documents are:

- *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
- *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
- *Marine Shoreline Inventory Report: Seattle WRIA 9* (Anchor 2004)
- *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
- *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* (WRIA 8 2005)
- *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 2005)
- *Prioritization of Marine Shorelines of WRIA 9 for Juvenile Salmonid Habitat Protection and Restoration* (Anchor 2006)
- *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and USACE 2008)
- *Lower Duwamish River Habitat Restoration Plan* (Port of Seattle 2009)
- *Draft Puget Sound Action Agenda* (PSP 2011)

Many groups are involved in shoreline restoration in and around the City, including the City of Seattle, the Port of Seattle, the University of Washington, watershed groups, and many environmental nonprofit groups and community organizations. This restoration work is summarized below in alphabetical order following the City of Seattle. The summary is intended to be a list of key parties and may not include all groups that have contributed to shoreline restoration to date.

2.1 City of Seattle

Several City of Seattle departments are involved with planning and implementing shoreline restoration. Seattle Public Utilities (SPU) implemented the Aquatic Habitat Matching Grant Program, which has funded projects aimed to improve the environmental conditions in Seattle's streams and shorelines. Two shoreline projects day lighted streams at their mouths; Madrona Creek, which feeds Lake Washington, and Fauntleroy Creek, which feeds

the Puget Sound. Additionally, SPU has secured funding for important monitoring work at several habitat projects in the City including: the seawall test panels along the Central Waterfront, the Olympic Sculpture Park, and Salmon Bay Natural Area.

In addition, the City of Seattle is working to complete its Natural Resource Damage Assessment (NRDA) requirements in the Duwamish and continues to fund monitoring of the restoration sites to determine whether restoration sites converge with the monitored reference sites.

Seattle Parks Department is active in undertaking shoreline restoration work and managing shorelines to a more natural state. Examples of this work include less riparian vegetation removal along Lake Washington Boulevard before the Seafair boat races and improvements at maintenance and operations facilities that minimize the potential for contaminating stormwater.

Over the past ten years Parks Department has made improvements including one or more of the following: bulkhead removal, beach creation, beach nourishment and riparian plantings; at Chinook Beach Park, Seward Park, the Arboretum, Magnuson Park, Denny Blaine Park, Golden Gardens Park, Herrings House Park, Martha Washington Park, Lake Washington Boulevard at Alaska and Adams Streets, Lake Washington Pritchard Preserve and Intertidal marsh restoration at Lowman Beach Park. Many of these projects received grants from the King Conservation District and the Salmon Regional Funding Board.

Additionally, a marina was removed at Chinook Beach Park and wetlands were restored at the Montlake playfield (Portage Bay) and Lake Union Park. Seattle Parks Department also offers educational programs and employs beach naturalists at their shoreline parks and the Seattle Aquarium and Environmental Learning Centers. The beach naturalists program is partially funded by the King Conservation District.

The City of Seattle is involved with government and non-government agencies partnering on shoreline restoration planning. Seattle is a partner with King County and other city governments for implementing the adopted Salmon Plans for WRIAs 8 and 9, administered

under Interlocal Agreements within each watershed. The City participates in the governing forums, which direct and oversee implementation as well as addresses policy and funding issues. Each WRIA has a 3 year work-plan, which are updated annually as more information is available or as opportunities arise to implement the plans. Seattle is the alternate for King County on the Stakeholder Advisory Group for the South Puget Sound Central Action area for the Puget Sound Partnership Ecosystem Coordination Board.

Puget Sound Partnership Coordinated Monitoring Program – Seattle with other local jurisdictions and State and Federal agencies is participating in developing a model monitoring program to measure the impacts from stormwater runoff. This information will help inform the next National Pollutant Discharge Elimination System (NPDES) permit requirements.

Through the Seattle Department of Transportation's (SDOT) street vacation process public access and shoreline restoration is a requirement and SDOT's shoreline street end permit requirements often require shoreline restoration. Additionally SDOT is involved with planning for the replacement of the seawall along Seattle's waterfront and has been testing alternatives to the homogenous surface with the goal of improving habitat for salmonid species and other aquatic organisms in Elliott Bay.

Bluefield Holdings, a Seattle "eco-development" company worked with former Seattle Mayor Greg Nickels and City Council on an agreement to lease and restore salmon habitat at seven city-owned parcels on the Duwamish River (City of Seattle 2008b). This work was initiated in an attempt to accelerate the completion of habitat restoration in the Duwamish, providing increased habitat function for the species that utilize this area. Following restoration implementation, the company made restoration credits available to the City for resolving natural resource liability in the Duwamish Waterway Superfund cleanup.

Seattle is leading green roof monitoring at four sites over the course of three years. These projects are being monitored for stormwater quantity to inform the effectiveness for Ecology to apply appropriate credit for these types of projects.

In addition to restoration work and monitoring, the City of Seattle has funded research on habitat use and behavior of juvenile Chinook salmon in the Lake Washington system. This research has been used by jurisdictions throughout Lake Washington to improve the management of their shorelines.

The City of Seattle assisted with staff time and funding for four Green Shorelines workshops that were intended to both gather and provide information to regulatory agencies and the

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public regarding the appropriate places for green shorelines and identifying the barriers to green shorelines. The City of Seattle funded a survey regarding green shorelines to determine barriers to these types of projects and University of Washington students supplemented the survey by including residents from other jurisdictions along Lake Washington. Additionally the City produced a Green Shores for Homes guidebook for residential home owners to provide information regarding alternatives shoreline treatments that provide increased ecological function and the City received a grant from the Environmental Protection Agency to develop additional guidance for home owners and to create incentives that will promote green shores.

2.2 Carkeek Watershed Community Action Project

The Carkeek Watershed Community Action Project (CWCAP) serves the Carkeek Watershed in northwest Seattle. The CWCAP currently sponsors several programs which support salmon and salmon habitat restoration, as well as beach and riparian health: Salmon Feeders, Salmon Count Program, Salmon Stewards, Beach Docents, Demonstration Garden Volunteers, Earth Day, and Salmon Celebration.

2.3 Duwamish River Cleanup Coalition and Technical Advisory Group

The Duwamish River Cleanup Coalition (DRCC/TAG) was formed in 2001 and works toward final cleanup of the Lower Duwamish River. The group is composed of environmental, tribal, and community organizations in the area who represent the priorities, values, and will of the local residents. The DRCC/TAG's programs are many and varied, and include habitat restoration work as well as tours of the river, educational forums, youth programs, and neighborhood festivals and events on the river.

2.4 Earth Corps

Seattle-based EarthCorps is a nonprofit group that maintains a mission of local environmental service. It offers programs for young adults in conservation techniques and volunteer leadership. In addition, it provides a suite of restoration services to agencies, nonprofit organizations, community groups, and businesses throughout the state of Washington. In addition to its local work, EarthCorps also encourages international volunteers in its service learning programs.

2.5 Fauntleroy Watershed Council

Two groups, Friends of Fauntleroy Creek and Friends of Fauntleroy Park, merged in 2001 to form the Fauntleroy Watershed Council. The new group adopted an action plan to steward the creek and park. Under its action plan, the council now works to gather watershed, city, and regional stakeholders to maintain, restore, and address habitat and pollution topics in the Fauntleroy Park and Creek area.

2.6 Friends of Madrona Woods

Friends of Madrona Woods is a group of Seattle residents who volunteered to "adopt" the Madrona Park urban forest in cooperation with the Seattle Department of Parks and Recreation. Under its comprehensive plan, the group has facilitated invasive plant removal, trail improvement, and environmental education, along with other work. The group's largest project to date was the 2009 daylighting of Madrona Park Creek and construction of a new wetland at the mouth of the creek on the Lake Washington shoreline.

2.7 Friends of the Cedar River Watershed

Friends of the Cedar River Watershed is a nonprofit organization working toward protection and restoration of the Cedar River/Lake Washington Watershed and associated communities. Its key service areas are ensuring long-term stewardship of the watershed, facilitating environmental education, public education on watershed restoration. To do this, it maintains several programs focused on restoration, habitat, and stewardship with its base of volunteers, community leaders, and educators.

2.8 People for Puget Sound

People for Puget Sound is a nonprofit group established to restore Puget Sound through education and action. Its vision includes Puget Sound environmental education for youth and adults, community involvement, and working for accountability in enforcement of environmental laws and regulations. A major component of their work is the Habitat Restoration program, which works to preserve and enhance ecosystems across the Sound.

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2.9 Port of Seattle

The Port of Seattle (Port) funds and contributes to habitat restoration within the City of Seattle. The Port has planned a large body of future restoration work, as described in its 2009 Habitat Restoration Plan (Port of Seattle 2009). This plan discussed approximately 50 acres of restoration within the City of Seattle. The Port's work has resulted in restoration of more than 30 acres of fish and wildlife habitat along Seattle shorelines, with an additional 9 acres in design and permitting stage, with construction planned for 2014 (Stebbins 2012).

2.10 Puget Sound Partnership

Through its 2011 Draft Action Agenda, the Puget Sound Partnership (PSP) has created a plan for cleanup, restoration, and protection for Puget Sound (PSP 2011). The Action Agenda places Seattle in its South Central Action Area and identifies priority strategies for implementation, as well as near-term actions to support these strategies. The strategies include the following, in brief: acquisition and protection of habitat, revisiting SMA statutes, organizing strategic funding for habitat restoration and protection, funding/implementing stormwater retrofits, implementing salmon recovery recommendations, following low impact development requirements, addressing toxics and excess nutrients and securing Model Toxics Control Account (MTCA) funding, restoring floodplains, and working with local governments to implement the Action Agenda.

2.11 Puget SoundKeeper Alliance

The Puget Soundkeeper Alliance is a staff and citizen group working toward better water quality, specifically, eliminating pollution releases in Puget Sound. It implements programs to patrol and monitor Puget Sound waters, conduct legal action under the Clean Water Act, and engage with business, government agencies, and citizens regarding water and pollution issues.

2.12 Seattle Aquarium

The Seattle Aquarium implements education programs, including school field trips, citizen science, beach naturalists, and camps and family programs to educate the public about issues affecting aquatic biota in Washington. In 2011, the Aquarium initiated a convention of the major organizations working in Puget Sound conservation to form the Marine

Conservation Network, which brings awareness, cooperation, and action to its member groups.

2.13 University of Washington

The University of Washington (UW) has undertaken several efforts for shoreline restoration at its Seattle Campus. The UW has been awarded certification by Salmon-Safe, a regional environmental certification program, is active in wetlands restoration research, and has ensured public access, open space, and water-dependent recreational areas along its shorelines. By the adoption and implementation of the 2003 Campus Master Plan (CMP), the UW committed to promote elements of open space, transportation and circulation, and potential development, all within the intention to conserve and develop the campus in the future. As one example of this work, under the CMP, the UW owns and maintains the Union Bay Natural Area in northern Lake Union for recreation and natural shoreline environment purposes.

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3 RESTORATION STRATEGY

This Section describes the methods by which SMP restoration strategies and applicable restoration actions were determined for Seattle shorelines. Identifying the applicable restoration actions relied upon the results of Seattle's Shoreline Characterization Report, which included a classification of impairment levels for basic ecological functions. The restoration actions identified are those actions that will lead to an improvement in the impaired ecological functions and/or those actions that protect existing functions.

3.1 Restoration Strategies

Restoration strategies are rooted in an understanding of how habitats are formed and maintained. The habitat type and habitat functions provided to specific species in shoreline and aquatic areas are products of the interaction of physical, chemical, and biological processes that occur in both the aquatic system and adjacent terrestrial areas (Naiman et al. 1995). In Ecology's *Guide to Watershed Planners to Understand Watershed Processes* (Stanley et al. 2005; Ecology publication No. 05-06-027), the authors use the term watershed processes to refer to "the dynamic physical and chemical interactions that form and maintain the landscape at the geographic scales of watersheds to basins (hundreds to thousands of square miles)." These processes and human-caused stressors combine to create, maintain, or destroy habitat.

This Plan considers ten processes in identifying the applicable restoration actions: delivery, movement, and loss of water, large woody debris (LWD), sediment, phosphorus, nitrogen, toxins, and pathogens, as they enter, pass through, and eventually leave the watershed. It also includes wave energy and tidal influences (tidal for marine shorelines only) because they are important processes affecting the shape and function of shorelines. Light energy is also included because light is an important control on vegetation and animal growth, distribution, and behavior. Changes in these processes impact the functions that the habitat supports for organisms. Therefore, the distribution and behavior of plants and animals are a response to the watershed processes that occur and the structure of habitat that is created. Where unfavorable changes have occurred in habitat structure and function due to interruption of these watershed processes, organisms are directly or indirectly negatively impacted, and there is a need to reinstate these processes for ecological health.

The four restoration strategies used in this document are protection, restoration of ecological processes, rehabilitation, or creation. These are derived from the Puget Sound Technical Recovery Team's (Puget Sound TRT's) concept of general habitat management

strategies developed for use used by watershed groups and others working for regional salmon recovery (Puget Sound TRT 2003), but apply well to shoreline habitats in general because salmon are highly dependent on shoreline areas for their growth and survival. The four strategies are described as follows.

- Protection can be applied where habitat is presently functioning at a high level and supports natural habitat-forming or -sustaining processes. For example, conserve the natural sediment delivery processes from a feeder bluff to the intertidal zone by keeping that section of shoreline unarmored.
- Restoration of ecological processes can be applied where habitat is impaired but natural processes can be recovered. For example, restore the natural sediment delivery processes from a feeder bluff to the intertidal zone by removing shoreline armoring that currently prevents bluff material from eroding and entering the intertidal zone.
- Rehabilitation can be applied where habitat is impaired and restoration of full function and supporting processes appears infeasible; however, limited improvements to functions and supporting processes can be achieved through partial re-establishment of ecosystem processes or functions. For example, rehabilitate the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by moving any sediment that erodes from the bluff over the armoring and into the intertidal zone.
- Creation can be applied where habitat function is lost through anthropogenic degradation and restoration and/or rehabilitation are not possible, but creation of habitat features to lead to replacement of lost function can be accomplished. For example, substitute the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by importing sediment and placing it in the intertidal zone to "nourish" the beach.

The order of these general strategies reflects the degree to which a watershed process would be re-established or protected if the action were taken. That is, protection maintains natural processes, process restoration fully establishes natural processes, rehabilitation will partially re-establish natural processes, and creation will provide habitat features but does not address processes. Ideally, the preference for use of the strategies would be: 1) protect, 2) restore processes, 3) rehabilitate, and 4) create. However, in a highly developed area, the order is dependent on the site conditions. Depending on the location of a restoration site, the preference order would be modified where there are considerations of feasibility and likelihood of project success (as is discussed in Section 3.2).

3.2 Assessment of Existing Shoreline Impairments

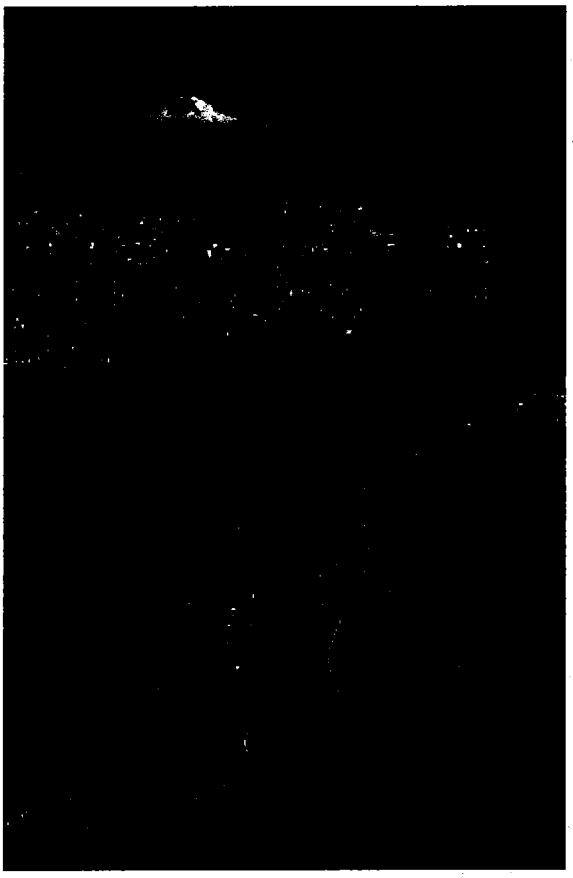
To assess degraded shoreline areas within the City, a science-based geographic information system (GIS) model was used to characterize the relative degree of habitat function or impairment of the City's shoreline habitat conditions. The results of this assessment are presented in the *City of Seattle Shoreline Characterization* Report (City of Seattle 2009). All City shorelines under SMP jurisdiction were evaluated, including those portions of the following waterbodies that occur in the City boundaries: Lake Washington, Lake Union and the Ship Canal, the Duwamish River, Puget Sound, including Elliott Bay and Shilshole Bay, and Green Lake. Associated wetlands along these shorelines also fall under shoreline management jurisdiction and were also evaluated the characterization report.

The characterization framework incorporated and applied current knowledge of Seattle's marine, estuarine, and lake shoreline ecology. The framework was based on a method that provides a streamlined approach for characterizing watershed processes developed by Stanley and others (2005), and adapted to this Plan using strategies identified by the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) Nearshore Science Team (Simenstad et al. 2006) and Battelle Marine Sciences Laboratory. The details of the assessment methods were largely patterned after King County's SMP *Appendix E, Technical Appendix* (2007). This appendix may be consulted for further information.

The *City of Seattle Shoreline Characterization Report* (City of Seattle 2009) identified the level of impact on habitat function in discrete shoreline areas, called "sub-reaches" within City limits. A consistent method was used for delineating sub-reaches in both marine and freshwater environments of the assessment area. The approach used aggregated areas based on a manual interpretation of natural breaks in the model results. These included areas of the shoreline with relatively consistent scores and areas with scores that varied within a distinct range, areas with a consistent trend in the scores along the shoreline, and in some cases distinct areas with extremely heterogeneous scores. Sub-reaches were grouped together to form reaches. Reach breaks were determined based on a transition in shoreline habitat condition or a change based on land use (e.g., include a park in one reach) or ecosystem (e.g., separate freshwater from marine). Reaches are depicted in Map A, Sub Reaches are depicted in the accompanying Map Folio, maps 1 - 25. Map A and the Map Folio are located in two separate documents.

Reaches were classified into five categories of degradation: most impaired, more impaired, moderately impaired, less impaired, and least impaired. These categories were useful for interpreting the relative level of impact among reaches and were appropriate for comparison across all shoreline environments of Seattle.

3.3 Landscape Context Considerations in Restoration Planning



This Plan considers impairment at the site scale in the context of the impairments within the larger landscape that encompasses the site. Landscape context is an important consideration in determining the appropriate restoration strategies for a site. For example, consider two sites that both scored as being moderately impaired in terms of sediment processes. One site is within a larger area (reach) that maintains some degree of natural sediment processes. A process restoration strategy for this site that is targeted to sediment process would be an appropriate strategy due to the fact that restoration is more likely to be sustained by intact processes nearby. Then, consider a second site located within a landscape that is severely impaired with regard to natural sediment processes. Process restoration focused on sediment at the site scale is not likely to be sustained due to the lack of intact processes in the surrounding landscape. For the second site, a strategy of rehabilitating the habitat by providing sediment in the area (e.g., beach nourishment), or a strategy focusing on other functions that are not as impaired at a reach scale (e.g., wave energy or toxins) would be more appropriate.

The following table provides guidance for strategies for each reach that could be suitable with a given level of impairment at sub-reaches versus reaches, depending on site and landscape characteristics (Table 1). The organization of the table was based on similar work cited in Stanley and others (2005), by Shreffler and Thom (1993), and by Booth and others (2004) that contemplated suitable restoration and protection efforts based on the degree to which the watershed processes and site functions have been altered. The table axes reflect the City's shoreline characterization impairment categories, and the contents are adapted as appropriate for the City's shoreline conditions. The concept of "*likelihood*" was carried through the table to list strategies that were logical for each landscape context scenario covered in Seattle's SMP. For example, consider a site along Seattle's Central Waterfront located in a "most impaired" sub-reach within the context of a "most impaired" reach. Because the shoreline is highly developed and impaired in this context, the restoration

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strategies that would be *likely* to succeed and be maintained over time are those that raise functionality by improving local habitat features, as opposed to restoring processes. For a highly modified reach, appropriate strategies would include rehabilitation and creation, which aim to improve existing habitat features at the site. Strategies that aim to restore processes here are less appropriate, since the process would not be sustainable long-term without some landscape level change to land use in the area. This said, a strategy of process restoration in an area like this could be appropriate if changes to landscape-level conditions occur and the opportunity for sustainable process restoration arises.

Table 1

Guidance for Suitability of Restoration Strategies based on Level of Impairment

		Reach Scale Impairment				
		Least	**Less**	**Moderate**	**More**	**Most**
Sub-reach Scale Impairment	**Most**	Restore Process Rehabilitate*	Restore Process Rehabilitate*	Rehabilitate Restore Process Create*	Rehabilitate Create	Rehabilitate Create
	More	Restore Process Rehabilitate*	Restore Process Rehabilitate	Rehabilitate Restore Process Create	Rehabilitate Create	Rehabilitate Create
	Moderate	Restore Process Protect Rehabilitate	Restore Process Protect Rehabilitate	Rehabilitate Protect Restore Process Create	Rehabilitate Create Protect	Rehabilitate Create Protect
	Less	Protect Restore Rehabilitate	Protect Restore Process Rehabilitate	Protect Restore Process Rehabilitate	Protect Rehabilitate Create	Protect Rehabilitate Create*
	Least	Protect	Protect Restore Process Rehabilitate	Protect Restore Process Rehabilitate	Protect Rehabilitate	Protect Rehabilitate*

Notes:

* Combinations shown are strategies for each reach that could be suitable with a given level of impairment at sub-reaches versus reaches. Some combinations did not occur in the City's shorelines, as described in the *Seattle Shoreline Characterization Report* (City of Seattle 2009).

Table 1 indicates strategies that are considered most likely to occur and succeed. The absence of certain strategies in various boxes of the guidance in Table 1 does not preclude using other strategies if opportunities arise for an appropriate restoration action. For example, in a highly impaired sub-reach in a highly impaired reach, "protect" is not identified as a restoration strategy. However, if an opportunity arose to protect a valuable area within the sub-reach, the effort to do so might still be valuable, and the strategy of protection should not be dismissed.

In this Plan, Table 1 is used as guidance to match potential restoration strategies to various shorelines within the City. For this analysis, each sub-reach of the City's shorelines was fitted to boxes in this table, depending on its impairment level and the impairment level of its landscape (results of the impairment assessment are described in Section 5).

3.4 Habitat Protection and Conservation

Given the urban nature of the City, existing areas with high ecological function are rare. The areas that do exist are generally parks or other open spaces. Any protections that can be offered through implementation of this Plan or the SMP should maximize the conservation of ecological function. This will help meet the City's goals of protecting shoreline processes and functions, creating more natural shorelines that feature native plants and a diversity of habitats, and strengthening ecological and physical connections between habitats.

3.5 Application of Restoration Strategies

Identifying applicable restoration actions are necessary in order to guide the City's restoration implementation. Table 2 provides a list of restoration actions that encompass the typical elements of shoreline projects reviewed for this analysis, and identifies which watershed processes these restoration actions would generally address. This is not a comprehensive list of all restoration actions that are possible; it is a generalized list of the types of actions that have been proposed for Seattle shorelines.

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Table 2

Restoration Actions and Watershed Processes Addressed

Restoration Action	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
Riparian Restoration, Noxious Plant Removal	X	X	X		X	X		X	X	
Daylighting Streams, Rehabilitate Channels		X	X	X		X	M			
Intertidal or Littoral Debris Removal, Groin Removal						X				X
Beach Nourishment						X				
Armoring Removal, LWD placement		X				X	M		X	X
Overwater Structure Removal	X	X								
Stormwater Treatment, Contaminant Removal			X	X	X			X		
Wetland Restoration			X	X	X	X		X	X	

Notes:
X Addresses process in both freshwater and marine waters
F Addresses process only in freshwater
M Addresses process only in marine waters

Restoration actions are later categorized in this Plan as High, Medium, or Low priority for large areas or waterbodies (i.e., multiple reaches) of the City shoreline. Priorities have been assigned corresponding to actions that address the specific, existing impacts to habitat function (these are discussed in more detail in the *Shoreline Characterization Report*; City of Seattle 2009).

Overall, the restoration actions shown in Table 2 and as later discussed in this Plan should be viewed in light of compatibility with current uses at a given site and scale in order to align with the goals and policies of the SMA and related rules. For example, this Plan may have armoring removal or LWD placement identified as an applicable restoration action along the Central Waterfront. While removal would provide the most ecological benefit to an unused shoreline, a beneficial retrofit or modification is more feasible, safer, and longer lasting in this setting.

3.6 Project Identification

This Plan makes use of existing research, monitoring and restoration planning efforts to identify feasible shoreline habitat restoration opportunities that could offer improvement in

shoreline ecosystem functions. These potentially improved functions are then compared against the results of the shoreline characterization effort to determine where the greatest need for restoration occurs. To determine restoration actions, the land use of the site, the level of impairment at the site, the opportunity for restoration and how well the restoration actions are able to address the impairments to specific processes are considered.

Every waterbody and shoreline that is the subject of this Plan is included in one or more of the following restoration or monitoring plans;

- Green Lake Vegetation Management Plan (Seattle 1996)
- *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
- *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
- *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* (WRIA 8 2005)
- *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 Steering Committee 2005)
- *Prioritization of Marine Shorelines of WRIA 9 for Juvenile Salmonid Habitat Protection and Restoration* (Anchor 2006)
- *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and USACE 2008)
- *Lower Duwamish River Habitat Restoration Plan (Port of Seattle 2009)*
- The Elliott Bay General Investigation (USACE 2009)

Projects identified as a priority for implementation within each of the restoration documents were reviewed for this Plan and categorized by the specific restoration actions included in the description of the project. Projects typically include more than one restoration action (i.e., bulkhead removal, littoral debris removal and restoration of riparian vegetation). This information was used to determine which potential projects have been identified as feasible and the specific impairments to shoreline habitat the restoration actions are most likely to address.

Strictly based on the analysis the results of the Shoreline Characterization Report, projects in highly impaired areas have a greater capacity for improvement to shoreline ecological function than areas with low impairments. However, depending on the restoration strategy, some projects in highly impaired areas in urban industrial shoreline environments may not be consistent with the City's vision for thriving water-dependent industrial and commercial uses (see Section 1.2 of this document) and the goals of the SMP to reserve shoreline areas for water-dependent and associated water-related uses (WAC 173-26-201). Some projects can also be less sustainable due to impairments of the processes necessary to sustain them over the long term (see section 3.2). Therefore, rather than setting high priorities for projects in the most impaired areas strictly based on high impairment, this Plan also sets priority for projects that have a priority status in one or more of the existing restoration plans, as well as actions that address the City's overall vision.

4 APPLICABLE RESTORATION ACTIONS

A summary of city-wide impairments and detail on impairments and the applicable restoration actions and projects for Seattle's shorelines is described below. Specific waterbodies are discussed in the following order: Lake Washington; Lake Union and the Ship Canal; the Duwamish River; Puget Sound, including Elliott and Shilshole Bays; and Green Lake. Impairments and restoration strategies are discussed on a reach scale, and then restoration actions that would be the most productive in meeting the overall plan goals are identified. Following the description of restoration actions, a short discussion highlights select projects that have been proposed and other restoration actions that address shoreline impairments identified in the *Shoreline Characterization Report* (City of Seattle 2009). For detailed descriptions of previously developed site-specific projects, see the existing restoration planning documents listed in Section 3.6.

4.1 City-wide Impairments Summary

Within Seattle, all shoreline habitats have been impaired to some degree by human alterations. There are some areas, however, that continue to provide relatively high quality habitat to a diversity of species, and have relatively intact shoreline ecosystem processes. The distribution of habitat impairments is uneven; the heavily industrialized shorelines of Lake Union downstream to the Ballard Locks, Elliott Bay, and the Harbor Island portion of the Duwamish River Estuary are the most impacted reaches with respect to their historic function. Even within these most impacted reaches, there are some areas with higher habitat function (i.e., less impairment). The least impacted areas in Seattle include Seward Park, Union Bay, West Point and Magnolia Bluffs, and Lincoln Park to Fauntleroy Cove. These areas provide relatively high quality habitat and intact processes. Between these two ends of the impairment spectrum are reaches with moderate amounts of impairment.

As explained in Section 3.1, as part of the shoreline characterization, each reach within the City was categorized as most, more, moderate, less, or least impaired. Reaches were comprised of smaller assessment units called sub-reaches which offer a finer scale indication of functional impairment (Maps 1 through 25). The restoration strategies for each sub-reach are determined by the level of impairment of that sub-reach and the reach that encompasses it (see Table 1). The number of sub-reaches with similar levels of impairment at the reach and sub-reach scale are shown below in Tables 3 and 4 for freshwater and marine shorelines, respectively. For freshwater habitats, many sub-reaches fall into the more impaired and most impaired categories at both the sub-reach and reach scale; according to Table 1, rehabilitation and creation are key strategies for a large number of

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Seattle's freshwater sub-reaches. For marine/estuarine sub-reaches, many were moderately impaired or most impaired categories on the sub-reach scale as well as the reach scale, and therefore the strategies of rehabilitation, protection, restoration, and creation are important in these sub-reaches. Overall, this table illustrates that much of the City's highly impaired shoreline habitat is within a landscape context of high impairment as a whole. Similarly, habitat that is highly functional is generally within the context of highly functional landscapes as well.

Table 3

Freshwater Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				3	12
	More		4	1	7	13
	Moderate	1	3	3	8	4
	Less	1	4	5	5	
	Least	5	6		1	

Table 4

Marine Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				8	10
	More				8	3
	Moderate			13	18	6
	Less	3	7	6	4	
	Least	6	1	2	3	

4.2 Lake Washington

Lake Washington has lost much of its shoreline habitat connectivity and complexity because of hydrologic modifications within the Lake Washington system, including the lowering of lake level by approximately 10 feet, loss of riparian vegetation, installation of bank armoring, and construction of overwater structures associated with the urbanized watershed today. About 66 percent of the lake shoreline in the City is armored and more than 900 overwater structures are in place (Toft et al. 2003a and 2003b). Less than 25 percent of the shoreline contains natural vegetation (Toft 2001). Overwater structures have the potential to negatively impact benthic production and fish communities, including the rearing and migration of juvenile salmon and other fish species supported by the shallow water habitat.

4.2.1 Impairments

The number of sub-reaches in Lake Washington with specific levels of impairment at the reach and sub-reach scale are summarized below in Table 5, based on the restoration strategies in Table 1.

Table 5

Lake Washington Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairments	Most				2	
	More		4	1	6	
	Moderate	1	3	2	6	
	Less	1	4	4	5	
	Least	5	6			

On the northern shores of Lake Washington within City limits, residential development has contributed to higher amounts of impervious surface, a lack of overhanging and riparian vegetation, extensive shoreline armoring, and numerous docks and overwater structures.

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Riparian vegetation does occur at some small locations, such as parks along the Burke Gilman multi-use Trail and the Thornton Creek delta. South of Magnuson Park, there is a large wetland complex and intact mixed forest near the shore, and further south, the northern portion of Union Bay has extensive marshy shorelines with unarmored conditions and some mature trees. Between the Washington Park Arboretum and Seward Park, shorelines decrease in ecological function, as docks and armoring increase and shoreline vegetation is limited. Park shorelines are typically not as impaired; in fact the arboretum, Seward Park and Colman Park shorelines all have relatively high ecological function, with generally little shoreline armoring and relatively high native or mixed-native vegetation cover. The remainder of the Lake Washington segment to the southern City limit is characterized by patches of higher habitat functionality, generally where parks occur. In much of this area, shoreline armoring, docks, and lawns occur, and habitat function is more impaired.

In summary, highest functioning areas include mature vegetated areas of the segment along the Burke-Gilman Trail, Matthews Beach (although these shorelands are set back from the water's edge), the Thornton Creek delta, Union Bay Natural Area (north Union Bay), and parks including the Washington Park Arboretum. Lowest functioning habitats include residentially developed areas where docks and armoring predominate, particularly in the areas south of Martha Washington Park and from Madison Park to Colman Park (not including the parks).

Using the analysis described in Section 4.1, reaches were scored based on the condition of the various ecosystem processes. This score information can be further used to identify processes contributing most to shoreline impairment for a given area. *The Shoreline Characterization Report* (City of Seattle 2009) provided process rank scores for each reach and charted the score distribution among reaches with the classification breaks between high, moderate, and low impairment. Table 6 shows these impairment categories.

These results indicate that the most impaired process in the Lake Washington shoreline segment is nitrogen; however, data taken by King County indicate that nitrogen is not a problem unless current levels of phosphorous increase (Tetra Tech and Parametrix 2003). Nitrogen can be a problem for Puget Sound and because Lake Washington drains into Puget Sound the nitrogen from Lake Washington will enter the Sound. The many tributary streams and drainage pipes that enter Lake Washington carry both phosphorous and nitrogen from runoff that contains fertilizers sourced from lawns in residential areas. Wetlands that historically provided nutrient uptake for streams entering Lake Washington have been removed and there are now more impervious surfaces in the watersheds.

Table 6

Impairment Category from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Lake Washington—City Shorelines

Reach No.	Reach Description	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
1	Northern City Limit to Magnuson Park	Moderately Impaired									
2	Magnuson Park	Less Impaired									
3	Laurelhurst	Less Impaired									
4	Union Bay	Least Impaired									
5	Madison Park to Colman Park	More Impaired									
6	Colman Park to Seward Park	Less Impaired									
7	Seward Park	Least Impaired									
8	Seward Park to Southern City Limit	More Impaired									

Notes:

High Impairment

Moderate Impairment

Low Impairment

Other highly impacted processes are sediment, toxins, pathogens, phosphorus, water and waves. Sediment processes are more impaired at the northern and southern city limits, due to the high amounts of impervious surface area near the shoreline. Pathogens and toxins impair shorelines on a patchy basis, depending on the level of development of the nearby shoreline. The water process is more impaired south of Union Bay as development increases and unarmored shorelines are limited. Wave processes are impacted by extensive overwater structures and shoreline armoring.

As shown in Table 6, model results suggested that the least impaired processes in the Lake Washington segment are LWD and light. LWD occurs along lake shorelines where shores are less developed, such as near the parks and vegetation cover is present in many areas

within shorelands (200 feet of the shoreline), light conditions are not likely to be limited in these areas. The City's Lake Washington shoreline, however, does have approximately 750 residential docks that extend 30 to 100 feet from the shoreline and cover an estimated 4 percent of the lake surface area within 100 feet of the shore (Weitkamp et al. 2000). Residential structures are densely concentrated at the shoreline in many areas, creating a barrier between the shorelands and the water. Natural light conditions would be limiting in the shallow aquatic zones just waterward of these areas due to the overwater pier structures.

Artificial lighting at night was not part of the characterization report; however, artificial light has been shown to impact fish predation (Tabor et al. 1998). Projects that reduce the amount of artificial light would benefit fish habitat within Seattle.

4.2.2 Applicable Restoration Actions

Based on these impairments, the applicable restoration actions for the Lake Washington segment determined to be High, Moderate, or Low in Table 7. This table was completed by combining the impairment levels for each reach presented in Table 6 with the restoration actions and watershed processes addressed that were described previously in Table 2. For example, Table 6 shows that in Reach 1 (Northern City Limit to Magnuson Park), the watershed process "nitrogen" and "sediment" are highly impaired. Table 2 identifies the restoration actions that would address nitrogen issues as: riparian restoration/noxious plant removal, daylighting streams/rehabilitating channels, stormwater treatment/contaminant removal, and wetland restoration and these five actions would be assigned as most applicable restoration actions for this reach. The sediment process was also highly impaired, so the actions of intertidal/littoral rubble/groin removal, beach nourishment, armoring removal/LWD placement, and wetland restoration would also be assigned as the most applicable restoration actions for this reach. The LWD process was moderately impaired, so riparian restoration/noxious plant removal, daylighting streams/rehabilitating channels, armoring removal/LWD placement, and overwater structure removal would be assigned as moderately applicable for this reach. However, riparian restoration/noxious plant removal and armoring removal/LWD placement were already assessed as being most applicable; therefore these actions remain highly applicable. Restoration actions to address "low impairment" light conditions would include riparian restoration/noxious plant removal and overwater structure removal, and riparian and overwater structure work are already assigned as most applicable, so these actions remain highly applicable. Additionally, the actions identified for restoration are also considered important for providing habitat for juvenile Chinook salmon.

Reaches that have the greatest need for restoration actions are those that are highest impaired in the Lake Washington segment, referenced by Reach Impairment Category in Table 7: Reach 5 (Madison Park to Colman Park) and Reach 8 (Seward Park to Southern City Limit).

Previous restoration planning documents (see Section 3.6) do not identify any projects for Reach 5, but protecting high quality habitat where it exists in small patches has been suggested. The *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003) recommended protecting the high quality aspects of swim beach habitat at Madison Park, Madrona Beach, and Colman Park. Compared to armored shorelines of most of Lake Washington, swim beaches typically have small substrates with gentle shoreline slopes that can provide refuge and feeding habitat for juvenile salmon and other small fish. Tabor and others (2004) noted relatively high juvenile Chinook salmon use of such areas in the southern parts of Lake Washington. Therefore, creating additional natural beach areas with riparian vegetation in the reach are appropriate restoration actions.

Additional restoration actions that are applicable in this reach include those that would address toxin inputs and its upstream tributary subbasins, with actions such as riparian restoration, stormwater treatment/contaminant removal and wetland restoration, as suggested above. The remaining processes are "moderately" impacted; therefore, additional restoration actions would include overwater structure removal, LWD placement and removal of shoreline armoring.

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Table 7

Applicable Restoration Actions—Lake Washington

Reach #	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment	Armoring Removal	Overwater Structure Removal	Stormwater treatment	Wetland Restoration
1	Northern City Limit to Magnuson Park	Moderately Impaired	Low	High	High	High	High	High	High	High	High
2	Magnuson Park	Less Impaired	Moderate	Moderate	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate
3	Laurelhurst	Less Impaired	Moderate	High	High	Moderate	Moderate	Moderate	Moderate	High	High
4	Union Bay	Least Impaired	High	Moderate	Moderate	Low	Low	Low	Low	Moderate	Moderate
5	Madison Park to Colman Park	More Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High
6	Colman Park to Seward Park	Less Impaired	Moderate	High	High	Low	Low	Moderate	Low	High	High
7	Seward Park	Least Impaired	High	Low	Low	Low	Low	Low	Low	Low	Low
8	Seward Park to Southern City Limit	More Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High

Notes:

a. Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

b. Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 5, a project sponsored by Friends of Madrona Woods, affiliated with the Madrona Community Council, recontoured existing stream beds, constructed culverts to flow under 38th Avenue and Lake Washington Boulevard, and created a new stream channel and wetland cove at the lakeshore in Madrona Park. This project addressed the restoration actions of riparian and wetland restoration, as well as stream daylighting, all of which are listed as High priority in Table 7.

In Reach 8, several projects have been proposed and implemented, including completed beach nourishment and substrate enhancements at Seward Park and in-progress enhancements near South Alaska Street (Seattle 2003). Three littoral zone and shoreline riparian projects have been proposed or completed: one proposed at Pritchard Island Beach, and two completed, one at Martha Washington Park and the other at Rainier Beach, also known as Chinook Beach (Anchor 2003). Additionally, daylighting Mapes Creek at its mouth is a proposed project that will occur in the next several years. The completed projects were too recent to be reflected in datasets used in the GIS model, but they address most of the applicable restoration actions because they provide riparian vegetation and improvements to substrate that will benefit fish and wildlife using the shoreline. Similar to the northern reach discussed previously, restoration actions are still needed that would address the nitrogen problem in the reach as well as its contributing drainage areas.

High priority areas for habitat protection include those with the least impairments: the wetland habitats of Union Bay and the areas of unarmored shoreline and riparian vegetation at Seward Park, in addition to any recent restoration project sites. The Union Bay Natural Area contains areas of former landfill with specific landfill cap maintenance requirements that were incorporated into existing athletic field construction and maintenance programs, so any proposed protection for this area will need to incorporate recognition of these activities.

In addition to the information regarding the level and detail of impairments and the applicable restoration actions to be taken on Lake Washington shorelines provided in *The Shoreline Characterization Report* (City of Seattle 2009), the *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and

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USACE 2008) should be used when evaluating shoreline habit conditions and the appropriate restoration actions for the shoreline of Lake Washington. The information in this synthesis document includes the results and analysis of many years of studies focusing on the use by Chinook salmon of the Lake Washington and Ship Canal shorelines.

Table 8 provides a list of projects for the Lake Washington shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 8

Projects for Lake Washington

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Matthews Beach	Parks	1-e	More Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD **Nitrogen** Pathogens Phosphorus **Sediment** Toxins Water Wave
Matthews Beach	Parks	1-f	Less Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD **Nitrogen** Pathogens Phosphorus **Sediment** Toxins Water Wave
Sand Point Magnuson Park	Parks	1-g	Moderately Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Sand Point Magnuson Park	Parks	2-a	More Impaired	Less Impaired	• Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Sand Point Magnuson Park	Parks	2-b	Least Impaired	Less Impaired	• Protect[4] • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Sand Point Magnuson Park	Parks	2-c	More Impaired	Less Impaired	• Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
East Montlake Park	Parks	4-c	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Madison Park	Parks	5-a	More Impaired	More Impaired	• Armor	LWD Sediment Water Wave
Madison Park	Parks	5-b	Less Impaired	More Impaired	• Armor	LWD Sediment Water Wave
Lake WA Blvd, C287[1]	WRIA 8	5-f	More Impaired	More Impaired	• Riparian • Debris removal	Light LWD Nitrogen Phosphorus Sediment **Toxins** Water
Colman Park	Parks	6-a	Least Impaired	Less Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Lake WA Blvd South near South McClellan St	Blueprint	6-c	Least Impaired	Less Impaired	• Protect • **Riparian**	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Lake WA Blvd South, C281	WRIA 8	6-d	Moderately Impaired	Less Impaired	• **Riparian** • Debris Removal	Light LWD Nitrogen Phosphorus Sediment Toxins Water
Lake WA Blvd South, C281	WRIA 8	6-e	Moderately Impaired	Less Impaired	• **Riparian** • Debris Removal	Light LWD Nitrogen Phosphorus Sediment Toxins Water

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Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Seward Park	Parks	7-a	Least Impaired	Least Impaired	• Protect • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Seward Park	Parks	7-b	Least Impaired	Least Impaired	• Protect • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Pritchard Island Beach	Parks	8-c	Less Impaired	More Impaired	• Riparian • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Mapes Creek Daylighting *(currently scheduled for 2013-2014)*	N/A	8-e	More Impaired	More Impaired	• Daylighting Streams • Riparian • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Notes:

1 Parks: *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
Blueprint: *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
WRIA 8: *Lake Washington/ Cedar/ Sammamish Watershed Chinook Conservation Plan* (WRIA 8 2005)

2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 7.
- Riparian: riparian vegetation restoration
- Beach: beach nourishment or enhancement, Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
- Armor: armoring removal, LWD placement

3 These numbered codes correspond to project numbers given in the WRIA 8 document (WRIA 8 2005). "Protect" is listed as an action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

4.3 Lake Union and Ship Canal

For the Lake Union and Ship Canal segment, reach assignments based on reach and sub-reach impairment categories are summarized in Table 9. This table illustrates that most Lake Union shorelines are located within a landscape context of most impairment.

Table 9

Lake Union Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				1	9
	More				3	10
	Moderate				2	2
	Less				1	
	Least	1		1	1	

The following section describes the impairments in the Lake Union and Ship Canal segment, as well as applicable restoration actions.

4.3.1 Impairments

The shoreline in the Lake Union and Ship Canal segment is highly urbanized. Numerous water-dependent facilities dominate the shoreline and have displaced most riparian vegetation with heavy shoreline armoring, near continuous impervious surfaces, overwater structures, and combined sewer overflow (CSO) and stormwater outfalls. However, this area is the migration corridor for all salmonids into and out of the system. The south shoreline of Portage Bay is the highest functioning habitat in this segment, while the west shoreline of Portage Bay and Fisherman's Terminal are the most impaired.

Table 10 illustrates impairment ranges for the reaches in this segment. This table was completed in the same manner as Table 6.

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Table 10

Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Lake Union and Ship Canal—City Shorelines

Reach No.	Reach	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
9	Montlake Cut and Portage Bay	More Impaired									
10	Lake Union	Most Impaired									
11	Fremont Cut	Most Impaired									
12	Salmon Bay Waterway	Most Impaired									

Notes:

High Impairment

Moderate Impairment

Low Impairment

These results indicate that the most highly impaired processes in Lake Union and Ship Canal shorelines are LWD, phosphorus, sediment delivery and movement, toxins, and water, with toxins as the most impaired. The impairment of toxins, as well as other water quality processes, is caused by contaminated surface water discharge from the upland areas in addition to several CSO locations in this segment. The lower levels of nitrogen impairment identified in the model result from differences in the inputs into the nitrogen process model relative to other water quality related process (namely, the presence of lawn areas within 200 feet of the shoreline). Sediment and water processes have been impaired by the high levels of impervious surface area throughout the shoreline of the segment. Water processes have also been impaired by the management and constriction of water flow to and from Lake Union through the Ballard Locks. Lack of source wood is one reason for LWD impairment, because riparian vegetation is almost completely absent from this urbanized and industrial shoreline.

Additionally, water quality studies indicate that high water temperatures and low dissolved oxygen are problems in late summer, which will causes stress in salmonids.

4.3.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Lake Union and Ship Canal waterbody are categorized as High, Moderate, or Low in Table 11. This table was completed in the same manner as Table 7.

Given the reach impairment categories shown in Table 11, all restoration actions are applicable for all the reaches; Reach 9 (Montlake Cut and Portage Bay) is slightly less impaired than the other three reaches.

The WRIA 8 2005 Salmon Conservation Plan identifies several actions that could benefit habitat and water quality in the Lake Union and Ship Canal area. In Reach 9 (Montlake Cut and Portage Bay) these activities include exploring methods to reduce salmonid predation in Portage Bay and exploring options for deepening the Montlake Cut to allow colder water from Lake Washington to flow into Lake Union. The impetus behind this project is to address water temperature issues in Lake Union to benefit juvenile salmon, and it could potentially change the movement of water in the reach and beyond. The *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* notes that technical water quality and hydrodynamic issues would need to be evaluated before this project could move forward. Restoration of sediment processes has been proposed for the area on the south side of the Ship Canal through Salmon Bay (CGS 2005).

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Table 11
Applicable Restoration Actions—Lake Union and Ship Canal

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
9	Montlake Cut and Portage Bay	More Impaired	Low	High	N/A	Moderate	Moderate	High	Moderate	High	High
10	Lake Union	Most Impaired	Low	High	N/A	High	High	High	High	High	High
11	Fremont Cut	Most Impaired	Low	High	N/A	High	High	High	High	High	High
12	Salmon Bay Waterway	Most Impaired	Low	High	N/A	High	High	High	High	High	High

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 10 (Lake Union), Eastlake landowners and interested community and nonprofit groups have created a street-end park (Good Turn Park) at East Martin Street and Fairview Avenue. The park has enhanced substrate and riparian vegetation, both listed as High priority on Table 11.

Also in Reach 10, an action proposed is to improve drainage from Wallingford. In Reach 11 (Fremont Cut), projects proposed are to improve water quality by implementing riparian restoration near the Ballard Bridge and treatment of run-off from the bridge (WRIA 8 2005). This would improve the following processes: LWD, nitrogen, pathogens, phosphorus, sediment, toxins, and water in this area.

Reach 12 (Salmon Bay Waterway) terminates at the Ballard Locks, which constrain water flow between Lake Union and Puget Sound. There are two proposed projects in this area. One project proposes constructing a more natural, fairly wide, and long channel at the locks to allow for better salmon passage (WRIA 8 2005). This project would likely change movement of water in the reach and beyond, and the *Lake Washington/ Cedar/ Sammamish Watershed Chinook Salmon Conservation Plan* notes that there are significant design challenges and feasibility that would need to be evaluated before this project could move forward. Another project at Commodore Park, just downstream of the locks on the south bank, proposes to remove the seawall, re-grade the shoreline to a gentler slope, daylight Wolfe Creek (that flows into the park) and create a pocket estuary in this location (WRIA 8 2005). There are several other projects proposed at the locks, mostly related to improving fish passage and the location and size of the saltwater transition zone.

Because the impairment level of the Lake Union and Ship Canal reaches is so high, essentially every category of restoration action in Table 11 is an applicable restoration action in this area, and projects most needed are those that combine restoration actions to address several processes at once.

High priority areas for habitat protection include those with the least impairments, such as East Montlake Park, as well as any recent restoration project sites such as Salmon Bay Natural Area.

Table 12 provides a list of priority projects for the Lake Union and the Ship Canal shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

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Table 12
Projects for Lake Union and the Ship Canal

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
7th Avenue Street End Restoration[6] *(completed project)*	WRIA 8	9-b	More Impaired	More Impaired	--	--
Montlake Playfield[6] *(completed project)*	--	4-c 4-d 4-e	Least Impaired	More Impaired	--	--
South Wallingford Drainage Improvements, M212[5]	WRIA 8	10-a 10-b 10-c 10-d 10-e 10-f 10-g 10-h 10-i 10-k 10-l	Moderately to Most Impaired	Most Impaired	• **Stormwater**	Nitrogen **Pathogens Phosphorus Toxins**
Bank Softening at Gasworks Park, M213	WRIA 8	10-b	Moderately Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**
Remove North Lake Union In-Water Structures, M214	WRIA 8	10-a 10-b 10-c 10-d	Moderately to Most Impaired	Most Impaired	• **Overwater**	**Toxins Light Sediment**
Aurora (99) Bridge Shoreline Restoration, M211	WRIA 8	10-d, 10-m	Most Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Fremont Bridge Shoreline Restoration, M210	WRIA 8	11-a, 11-e	Moderately Impaired, More Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins**
Ballard Bridge Shoreline Restoration, M208	WRIA 8	12-a, 12-e	More Impaired, Most Impaired	Most Impaired	• **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**
Ballard Bridge Water Quality Improvements, M209	WRIA 8	12-a, 12-e	More Impaired, Most Impaired	Most Impaired	• **Stormwater**	Nitrogen **Pathogens Phosphorus Toxins**
Commodore Park and Wolf Creek Restoration, M250	WRIA 8	17d	Less Impaired	More Impaired	• **Armor** • **Riparian** • Daylighting	**Light LWD** Nitrogen **Pathogens Phosphorus Sediment Toxins Water**

Notes:

1 WRIA 8: *Lake Washington/ Cedar/ Sammamish Watershed Chinook Conservation Plan* (WRIA 8 2005)

2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 11.
   Protect: protect and conserve
   Riparian: riparian vegetation restoration
   Debris Removal: Intertidal or littoral rubble removal, groin removal
   Armor: removal of artificial shoreline hardening including bulkheads and seawalls
   Stormwater: treat or deal differently with stormwater and/or runoff, especially that which contains contaminants and excess nutrients.

3 **Bold** indicates that the specific process addressed is highly impaired within one or more of the sub reaches covered by the project, based on Table 10.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the WRIA 8 document (WRIA 8 2005).

6 Both the Montlake and the 7th Avenue projects were constructed after the shoreline inventory was completed (*Marine Shoreline Inventory Report*, Anchor 2004).

4.4 Duwamish River

For the Duwamish River segment, reach assignments based on reach and sub-reach impairment categories are summarized in Table 13. This table illustrates that many Duwamish River shorelines are located within a landscape context of more impairment.

Table 13

Duwamish River Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				3	
	More				2	
	Moderate				9	1
	Less				2	
	Least				3	

The following section describes the impairments in the Duwamish River segment, as well as applicable restoration actions.

4.4.1 Impairments

In the Duwamish River segment, shoreline habitat conditions along Harbor Island and its waterways contain mainly port terminals and commercial shipping facilities. Because of this, shallow shoreline habitat is almost entirely absent or impacted due to the extensive dredging and overwater coverage created by numerous docks and wharfs. There is one small area along Harbor Island providing shallow water habitat despite armored shorelines: the southern shoreline of Terminal 27 on the eastern shore of the East Waterway. The headwaters of Puget Creek, located on the western shore of the Duwamish River, have been the focus of much restoration. Further upstream in the Duwamish, shorelines are heavily urbanized to support industrial activities, but the multiple small areas that have been restored contribute some functional value.

There are few high functioning habitat areas in the Duwamish River segment; these shoreline areas are found along Kellogg Island, the adjacent shoreline to the west, and the eastern shore across the river from the island. Lowest functioning habitats include the industrial shorelines of the rest of the segment.

Table 14, indicates impairment ranges for the reaches in the Duwamish River segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

Table 14

Impairment ranges from *Shoreline Characterization Report* (City of Seattle 2009) for various watershed processes at Duwamish River – City shorelines

Reach No.	Reach	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
13	Harbor Island and Waterways	Most Impaired										
14	Lower Duwamish River	More Impaired										

Notes:

High Impairment

Moderate Impairment

Low Impairment

These results indicate that the most highly impaired processes along the Duwamish River segment are light, LWD, nitrogen, phosphorus, toxins, water, and wave energy. An almost complete lack of riparian vegetation in the zone within 200 feet of the shoreline and the numerous overwater structures such as docks and piers on the industrial shorelines of the river itself are key reasons for impaired shoreline light conditions. Impairment of the LWD process is caused by the lack of riparian vegetation that provides LWD sources both in the river and upstream. This lack of LWD is a persistent problem throughout Seattle's marine shoreline. Impairment of water and water quality processes is mainly due to urban development impacts such as wetland and shoreline vegetation loss in the Duwamish Estuary, and the high levels of impervious surface area in this segment. This problem occurs at a high level along the industrial shorelines of most of the segment.

Results also indicate that processes that are not as highly impaired across Duwamish River segment shorelines are sediment and tidal regime. These processes are still impaired, but not as highly as the other eight processes. The key reason for impairment of tidal regime is the encroachment of shoreline armoring on ordinary high water (OHW), which in the Duwamish River is often sheet-pile wall or other near-vertical armoring. Disruptions in sediment processes and wave energy are also due to this armoring, which occurs on virtually all of the shorelines in this segment.

4.4.2 Applicable Restoration Actions

Based on these impairments, the applicable restoration actions for the Duwamish River segment are categorized as High, Moderate, or Low in Table 15. This table was completed in the same manner as Table 7.

Given the reach impairment categories shown in Table 15, all restoration actions are highly applicable in both reaches; the Lower Duwamish River reach is slightly less impaired than the Harbor Island and Waterways reach.

Table 15
Applicable Restoration Actions—Duwamish River

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
13	Harbor Island and Waterways	Most Impaired	Low	High	High	Moderate	Moderate	High	High	High	High
14	Lower Duwamish River	More Impaired	Low	Moderate	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 13 (Harbor Island and Waterways), several projects have been proposed that include a number of the restoration actions listed as most applicable, which are armoring removal and riparian and wetland restoration at Terminal 105, West Bank line at River Mile 0.1, a pocket habitat project has been suggested, to include armoring removal, wetland and riparian vegetation plantings, and gentler shoreline slopes (Port of Seattle 2009). There is also a proposed Bluefield Holdings/City of Seattle project on the west side of West Waterway, which would include shoreline re-grading, riparian vegetation plantings, and an interpretive trail. An example of a completed project is the Terminal 105 Coastal America site, which constructed a long channel perpendicular to the river that provides riparian and wetland habitat (Seattle 2003).

In Reach 14 (Lower Duwamish River), many projects have been proposed that include armoring and rubble removal, shoreline re-grading, bank revegetation, marsh plantings, LWD installations, and other shoreline-focused activities, as detailed in the *Lower Duwamish River Habitat Restoration Plan* (LDR Plan; Port of Seattle 2009). A completed project of this type in this area is Herring's House Park, which established areas of high intertidal salt marsh vegetation with a protective perimeter buffer of upland riparian vegetation. These are the types of projects that are highest priority in order to address the impairments in this reach. Connecting several of these projects on a landscape level as suggested in the LDR Plan, is likely to have the most benefit, as this reach is highly impacted and industrial as a whole. Another project completed in Reach 14 is the street end at 8th Avenue South (sub-reach 14-z), which received native plantings in 1993, followed by subsequent plantings and maintenance to control invasive weeds.

High priority areas for habitat protection in the Duwamish River include those with the least impairments, which are sparse in Reach 14. These areas would likely be limited to recent project sites such as Herring's House Park, and the Terminal 105 Coastal America site.

Table 16 provides a list of priority projects for the Duwamish River shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 16

Projects for the Duwamish River

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
BE-1[5]	Elliott Bay	13-a	Moderately Impaired	Most Impaired	• **Overwater**	Light LWD
BE-1	Elliott Bay	13-b	Most Impaired	Most Impaired	• **Overwater** • **Armor** • **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Tide Toxins Water Wave**
Section 1, North, Terminal 106, East Bank Line, Project 2	LDR Plan	13-f	More Impaired	Most Impaired	• **Riparian** • Beach	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Terminal 105, West Bank Line, Project 1	LDR Plan	13-g	Moderately Impaired	Most Impaired	• **Riparian** • Debris Removal • **Wetland restoration**	**Light LWD Nitrogen** Pathogens **Phosphorus** Sediment **Toxins Water**
Southwest Spokane St	Bluefield/ City of Seattle Master Lease	13-h	xxxxxx	Most Impaired	• Not listed in the source document	N/A
West Side West Waterway: Spokane St Bridge	Bluefield/ City of Seattle Master Lease	13-h,	xxxxxx	Most Impaired	• Not listed in the source document	N/A
East Side West Waterway: Spokane St Bridge	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A

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Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
West Waterway, north of Spokane, south of Fisher Mill	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
Southwest Spokane St, SW Klickitat Way and Parcel 7666703000	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
West Side East Waterway	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
10th Avenue South	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
Fisher Mills	Elliott Bay	13-l	Most Impaired	Most Impaired	• **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Elliott Bay, West	WRIA 9 Prioritization	13-n	More Impaired	Most Impaired	• **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Section 1, North, Terminal 106, East Bank Line, Project 2	LDR Plan	14-a	Moderately Impaired	More Impaired	• Riparian • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 1, North, Terminal 106, East Bank Line, Project 3	LDR Plan	14-b	Moderately Impaired	More Impaired	• LWD • Riparian • Beach • Wetland Restoration (intertidal benches)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Tide Water Wave
Section 1, North, Terminal 106, East Bank Line, Project 3 + extend bank line along Federal Center South shoreline	N/A	14-c	Moderately Impaired	More Impaired	• LWD • Riparian • Beach • Wetland Restoration (intertidal benches)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Tide Water Wave
Section 2, North Central, Northwestern Glass Company, East Bank Line, Project 5	LDR Plan	14-e	Moderately Impaired	More Impaired	• Riparian • Debris Removal • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, Northwestern Glass Company, East Bank Line, Project 5	LDR Plan	14-f	Moderately Impaired	More Impaired	• Riparian • Debris Removal • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, British Plaster Board, East Bank Line, Project 6	LDR Plan	14-g	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave

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Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 2, North Central, Southwest corner Slip Two, East Bank Line, Project 7	LDR Plan	14-h	Most Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, North First Avenue South Bridge, East Shoreline, Project 9	LDR Plan	14-h	Most Impaired	More Impaired	• Beach (intertidal bench) • Riparian	Light LWD Nitrogen Phosphorus Sediment Toxins Water
North of 1st Ave South Bridge	Bluefield/ City of Seattle Master Lease	14-h	Most Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, Cold Storage Warehouse / Industrial Upland Site, East Shoreline, Project 12	LDR Plan	14-k	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, South Othello Street to 8th Avenue South, East Shoreline, Project 16	LDR Plan	14-m	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Georgetown Steamplant Pump Station	Bluefield/ City of Seattle Master Lease	14-m	Moderately Impaired	More Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
8th Avenue South	Bluefield/ City of Seattle Master Lease	14-m	Moderately Impaired	More Impaired	• Not listed in the source document	N/A
Section 3, South Central, SW Corner, 8th Ave South, East Shoreline, Project 17	LDR Plan	14-n	Moderately Impaired	More Impaired	• Riparian • Debris removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, SW Corner Slip 4 and Adjacent Upstream Bank line, East Shoreline, Project 18	LDR Plan	14-o	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, SW Corner Slip 4 and Adjacent Upstream Bank line, East Shoreline, Project 18	LDR Plan	14-p	Most Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
West Marginal Way SW at Terminal 107, *(completed project)*	LDR Plan	14-t	Least Impaired	More Impaired	• Protect[4] • Riparian • Debris removal (shoreline and littoral)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 1, North, Terminal 107, Kellogg Island, West Bank Line, Project 4	LDR Plan	14-u	Least Impaired	More Impaired	• Protect • Riparian • Debris Removal (shoreline and littoral) • Beach	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Section 2, North Central, North First Avenue South Bridge, West Shoreline, Project 10	LDR Plan	14-x	More Impaired	More Impaired	• Beach • Riparian • LWD • Armor • Overwater	Light LWD Nitrogen Phosphorus Sediment Tide Toxins Water Wave
Section 2, North Central, Southwest Terminal 115, West Bank Line, Project 8	LDR Plan	14-x	More Impaired	More Impaired	• Riparian • LWD • Wetland Restoration • Overwater	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water
South of 1st Ave South Bridge	Bluefield/ City of Seattle Master Lease	14-x	More Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, South First Avenue South Bridge, West Shoreline, Project 11	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • Beach • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
South Orchard Street	Bluefield/ City of Seattle Master Lease	14-y	More Impaired	More Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
2nd Avenue South	Bluefield/ City of Seattle Master Lease	14-y	More Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, South Orchard Street / Second Ave South, West Shoreline, Project 13	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • Beach (intertidal bench) • Debris Removal (shoreline) • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Section 3, North Portion Existing Barge Cargo Facility, West Shoreline, Project 14	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • LWD • Debris removal • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave
Section 3, South Fontanelle Street/Fifth Avenue South Upstream Along Derelict Industrial Bank Line, West Shoreline	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • LWD • Debris removal • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave
Duwamish Waterway Park	Bluefield/ City of Seattle Master Lease	14-aa	Moderately Impaired	More Impaired	• Not listed in the source document	N/A

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Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 3, South Central, South Chicago Street to South Kenyon Street, West Shoreline, Project 19	LDR Plan	14-aa	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave

Notes:

1 Elliott Bay: *Elliott Bay General Investigation* (USACE 2009)
CGS: *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
LDR Plan: *Lower Duwamish River Habitat Restoration Plan* (Port of Seattle 2009)
Bluefield/City of Seattle Master Lease: *City of Seattle Ordinance 122729, authorizing a master Lease Agreement with Bluefield Holdings, Inc.* (City of Seattle 2008b)

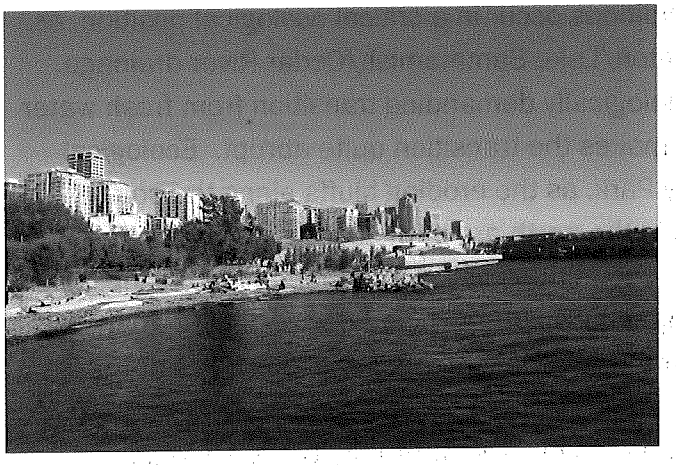
2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 15.
Protect: protect and conserve
Riparian: riparian vegetation restoration
Debris removal: Intertidal or littoral rubble removal and/or groin removal
Beach: beach nourishment or enhancement
Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
Overwater: removal of overwater structures.

3 **Bold type** indicates that the specific function addressed is highly impaired within one or more of the sub reaches covered by the project based on Table 14.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the source document.

4.5 Puget Sound, including Shilshole Bay and Elliott Bay



For the Puget Sound segment within the City, reach assignments based on reach and sub-reach impairment are summarized in Table 17. This table illustrates that many Puget Sound shorelines are located within a landscape context of moderate, more, and most impairment.

Table 17
Puget Sound (including Shilshole and Elliott Bay) Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Impairment	Most				1	3
	More				3	1
	Moderate			9	3	1
	Less	1	1	4	1	
	Least	2	1	1		

The following section describes the impairments in the Puget Sound segment, as well as the applicable restoration actions.

4.5.1 Impairments

In the northernmost portion of Puget Sound in the City, shorelines are entirely armored in association with the rail line along the shore. The presence of the rail line precludes adjacent riparian vegetation and impacts sediment processes due to interruption of sediment supply to the beach from the numerous shoreline bluffs. Additionally this area is impaired by fertilizer run-off from the many surrounding residential lawns. Two forested ravines (Broadview Creek and Pipers Creek) exist in this area, these ravines have less

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impervious surface than the surrounding residential areas. Shilshole Bay Marina contains large amounts of overwater structures and shoreline armor.

Near the Ballard Locks, further impaired conditions occur in a critical ecological position, as this area is the estuary for the Lake Washington/Lake Sammamish/Cedar River drainage. In this area, juvenile salmon make the physiologically demanding transition from fresh water to salt water, and the presence of the locks makes the transition quite abrupt. Ecological function improves moving through Discovery Park, as the eroding bluffs along the south shoreline and the vegetated creek drainage in the north are particularly high functioning areas. Toward Elliott Bay and the urban core, conditions deteriorate due to increasing shoreline armoring, overwater cover, and impervious surfaces, and decreasing riparian vegetation and intertidal habitat. In the downtown area, shorelines are entirely armored, have extensive overwater cover and fill, and are almost entirely impervious surface. CSOs and stormwater outfalls are present, and roads are in direct proximity to the shoreline. Along western Elliott Bay and toward West Seattle, shorelines are still armored but impervious surface area decreases. Near Lincoln Park in South Seattle, extensive vegetation and minimal impervious surfaces abound, but the area surrounding the Fauntleroy ferry terminal is highly impaired for toxins, pathogens, and sediment processes. At the south end of the project boundary, Seola Park offers high functioning habitat due to vegetated and minimally impacted shorelines. Impairments to water quality in the southern portion of this segment result from outfalls from large basins and culverts that carry pollutants from upland activities.

In summary, the highest functioning habitats in the segment are found along the unarmored portions of Golden Gardens, the creek mouths, and their small associated wetlands, and Discovery, Lincoln, and Seola parks. Lowest functioning habitats in the segment include Shilshole Bay and Elliott Bay Marinas, the central waterfront, and Terminals 90 and 91.

Table 18 indicates impairment ranges for the reaches in the Puget Sound segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

These results indicate that the most highly impaired processes in the City's marine nearshore include pathogens and sediment. Key reasons for the impairment of sediment processes is the urban and shoreline residential and transportation (rail and road) development which disconnects sediment source bluffs from the shoreline. In addition, jetties, breakwaters, and groins present throughout the marine shoreline restrict sediment movement once it reaches the shore, creating a persistent problem. Impairment of water quality due to pathogens is mainly linked to urban development impacts such as CSOs in the

downtown core, and wetland and shoreline vegetation loss and increased impervious surface area from Elliott Bay throughout the downtown core.

Other processes that are still impaired —but not as highly as the other two processes— include LWD, nitrogen, phosphorus, toxins, water, and wave energy. The reasons for impairment of the water quality processes of nitrogen, toxins, and phosphorus are the same as those listed above for pathogens. LWD processes have been disrupted on a large scale throughout the City's Puget Sound shorelines due to removal of source trees and vegetation from the nearby shore to facilitate urban development and due to encroachment of armoring into intertidal areas, which restricts accumulation. In addition, source wood is no longer provided from river mouths in the region due to development in their watersheds.

The water process has been impaired mainly by urban development and increased impervious surface area, now common on most City shorelines. Disruptions in wave energy along the Seattle shore include armoring, jetties, groins breakwaters, and overwater structures. These are interspersed throughout Seattle, but are particularly heavy near Shilshole and the downtown core.

Tidal regime is the process least impaired in this segment, although it is still impaired. Impacts to tidal regime in Puget Sound are due to channelized streams, the Ballard Locks, and encroachment of armoring on OHW. Armoring and tidal encroachment occurs throughout almost the entire Seattle shoreline.

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Table 18

Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Puget Sound—City Shorelines

Reach No.	Reach	Reach Impairment Category*	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
15	North Bluffs	Less Impaired										
16	North Beach & Golden Gardens Park	Mod. Impaired										
17	Shilshole Bay and Marina	More Impaired										
18	West Point and Magnolia Bluffs	Least Impaired										
19	Magnolia	Less Impaired										
20	Elliott Bay Marina and T 90 and 91	Most Impaired										
21	Myrtle Edwards Park/ Centennial Park/ Olympic Sculpture Park	More Impaired										
22	Central Waterfront	Most Impaired										
23	Southwest Elliott Bay	More Impaired										
24	Duwamish Head	More Impaired										
25	Alki Beach to Lincoln Park	Mod. Impaired										
26	Lincoln Park and Fauntleroy Cove	Less Impaired										
27	South Seattle to Seola Creek	Mod. Impaired										

Notes:

High Impairment

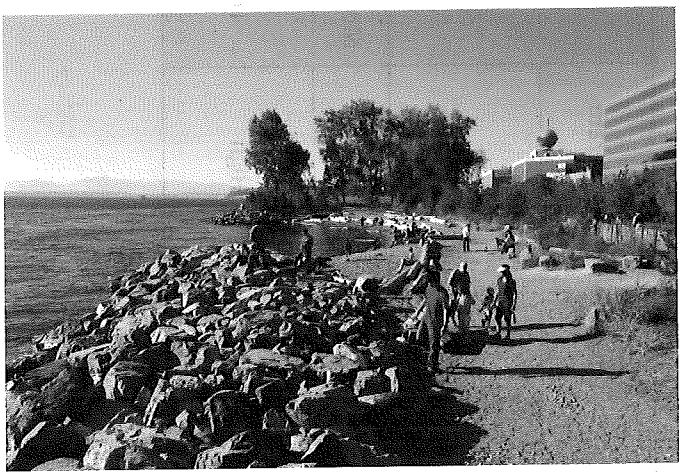
Moderate Impairment

Low Impairment

4.5.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Puget Sound segment are categorized as High, Moderate, or Low need in Table 19. This table was completed in the same manner as Table 7.

The reach impairment categories shown in Table 19 categorize Shilshole Bay and Marina and the reaches south from Elliott Bay Marina through Duwamish Head as the reaches with highest impairment in the Puget Sound segment.



In Reach 17 (Shilshole Bay and Marina), restoration of sediment processes has been proposed for the areas south of Carkeek Park through Salmon Bay, as well as from Shilshole Bay to West Point (CGS 2005). In Reaches 20 through 24 (south from Elliott Bay Marina through Duwamish Head), a number of projects have been proposed in Elliott Bay proper to create intertidal embayments and which would relocate armoring to above OHW (Anchor 2004), partly addressing the sediment issue. Projects of this kind that have been recently completed include the Myrtle Edwards Park beach project near Olympic Sculpture Park, which constructed a pocket beach and intertidal habitat on the eastern shoreline of Elliott Bay.

Because many of the Puget Sound reaches are "most" and "more" impaired reaches, highly applicable restoration actions would essentially include those in every category in Table 19. Projects most needed are those that combine restoration actions to address several processes at once.

High priority areas for habitat protection include Discovery Park, primarily West Point and Magnolia Bluffs, Magnolia, Lincoln Park and Fauntleroy reach, as well as any recently implemented sites such as the pocket beach at Myrtle Edwards Park.

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Table 19
Applicable Restoration Actions—Puget Sound

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Work	Daylighting Streams (where piped streams occur)	Nearshore Debris/ Jetty/Groin/ Breakwater Removal	Beach Nourishment/ Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
15	North Bluffs	Less Impaired	Moderate	Low	High	High	High	High	Moderate	Moderate	Moderate
16	North Beach and Golden Gardens Park	Moderately Impaired	Low	Moderate	High	Low	Low	Moderate	Moderate	High	High
17	Shilshole Bay and Marina	More Impaired	Low	High	High	High	Moderate	High	High	High	High
18	West Point and Magnolia Bluffs	Least Impaired	High	Low	Low	Low	Low	Low	Low	Low	Low
19	Magnolia	Less Impaired	Moderate	Moderate	High	Moderate	Moderate	Moderate	Low	High	High
20	Elliott Bay Marina and Terminals 90 and 91	Most Impaired	Low	High	High	High	High	High	High	High	High

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Work	Daylighting Streams (where piped streams occur)	Nearshore Debris/ Jetty/Groin/ Breakwater Removal	Beach Nourishment/ Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
21	Myrtle Edwards/ Centennial/ Olympic Sculpture Parks	More Impaired	Low	High	High	High	High	High	High	High	High
22	Central Waterfront	Most Impaired	Low	High	High	High	High	High	High	High	High
23	Southwest Elliott Bay	More Impaired	Low	High	High	High	High	High	High	High	High
24	Duwamish Head	More Impaired	Low	High	High	High	High	High	High	High	High
25	Alki Beach to Lincoln Park	Moderately Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High
26	Lincoln Park and Fauntleroy Cove	Less Impaired	Moderate	Low	Low	Low	Low	Low	Low	Low	Low
27	South Seattle to Seola Creek	Moderately Impaired	Low	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most")

Table 20 provides a list of projects for the Puget Sound shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 20
Projects for Puget Sound

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
SN-3[5] Northern Railroad (Carkeek)	CGS	15-d	Less Impaired	Less Impaired	• Protect[4]	Light LWD Nitrogen Pathogens Phosphorus **Sediment Tide** Toxins Water Wave
Pipers Creek to Golden Gardens	Blueprint	15-e	Less Impaired	Less Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus **Sediment Tide** Toxins Water Wave
KI-2-1 Carkeek to Shilshole	CGS	16-a/b	Moderately/ Least Impaired	Moderately Impaired	• Protect	Light LWD Nitrogen **Pathogens** Phosphorus Sediment Tide Toxins Water Wave
KI-2-1/KI-2-2 South Golden Gardens, Shilshole N. Salmon Bay	CGS	17-b	More Impaired	More Impaired	• **Debris** Removal • **Overwater**	**Light** LWD Sediment **Wave**
KI-2-1/KI-2-2 South Golden Gardens, Shilshole N. Salmon Bay, KI-2-2 Salmon Bay into Ship Canal, North side	CGS	17-c	Moderately Impaired	More Impaired	• **Riparian** • **Debris** Removal • Beach • **Armor** • **Overwater**	**Light** LWD Nitrogen Phosphorus Sediment **Tide** Toxins Water **Wave**
Locks - Barnacle Removal	Blueprint	17-d	Less Impaired	More Impaired	N/A	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
KI-2-4 Shilshole Bay to Westpoint	CGS	18-b	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
KI-2-4 Shilshole Bay to Westpoint	CGS	18-d	Less Impaired	Least Impaired	• Protect • Riparian • Wetland Restoration • Debris Removal	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
KI-3-2 Magnolia Bluffs to Smith Cove	CGS	18-e	Least Impaired	Least Impaired	• Protect • Debris Removal	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
Magnolia Bluffs	WRIA 9 Prioritization	19-a	Less Impaired	Less Impaired	• Protect • Debris Removal (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
Magnolia Bluffs	WRIA 9 Prioritization	19-b	Least Impaired	Less Impaired	• Protect • Debris (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
KI-3-2 Magnolia Bluffs to Smith Cove	CGS	19-c	Less Impaired	Less Impaired	• Protect • Beach • Debris (in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
KI-3-2/KI-3-3 Smith Cove Marina and Breakwater	CGS	20-a	Most Impaired	Most Impaired	• **Beach**	**Sediment**
KI-3-2/KI-3-3 Smith Cove Marina and Breakwater	CGS	20-b	Moderately Impaired	Most Impaired	• **Riparian** • **Beach** • **Stormwater treatment** • **Debris (in-water)**	**Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave**

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
KI-4-1[5] Smith Cove and Elliott Bay	CGS	20-b	More Impaired	Most Impaired	• **Riparian** **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Northeastern section	WRIA 9 Prioritization	20-c/d	Most/ Moderately Impaired	Most Impaired	• **Riparian** • **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Myrtle Edwards/ Centennial/ Olympic Sculpture Parks (constructed in 2007)	Blueprint, WRIA 9 Prioritization, WRIA 9 Watershed	21-a/b	Most/ Moderately Impaired	More Impaired	• **Riparian** • **Beach** (including intertidal habitat benches)	Light **LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Industrial and Port Areas	WRIA 9 Prioritization	22-a,b	Most Impaired	Most Impaired	• **Riparian** • **Beach** • **Overwater**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Industrial and Port Areas	WRIA 9 Prioritization	22-c	Most Impaired	Most Impaired	• **Riparian** • **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, West	WRIA 9 Prioritization	23-a	More Impaired	More Impaired	• **Riparian** • **Beach**	Light **LWD Nitrogen** Phosphorus **Sediment** Toxins **Water**
West Seattle, mouth of Schmitz Creek	WRIA 9 Prioritization	25-b	Less Impaired	Moderately Impaired	• Protect • **Daylight Stream** • Debris Removal (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide **Toxins** Water Wave
Lincoln Park	Parks	26-b	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave

1 Blueprint: *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)

CGS: *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
WRIA 9 Prioritization: *Prioritization of Marine Shorelines of Water Resource Inventory Area 9 for Juvenile Salmonid Habitat Protection and Restoration (Anchor 2006)*
WRIA 9 Watershed: *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 2005)
Parks: *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)

2 **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 19.
Protect: protect and conserve
Riparian: riparian vegetation restoration
Debris removal: Intertidal or littoral rubble removal and/or groin removal
Beach: beach nourishment
Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
Overwater: removal of overwater structures.

3 **Bold type** indicates that the specific process addressed is highly impaired within one or more of the sub reaches covered by the project based pm Table 18.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the source document.

4.6 Green Lake

For the Green Lake segment within the City, reach assignments based on reach and sub-reach impairment are summarized in Table 21. This table illustrates that Green Lake's shorelines are located within a landscape context of moderate and less impairment.

Table 21

Green Lake Reach Assignments based on Reach and sub-reach Impairment

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most					
	More					
	Moderate			1		
	Less			1		
	Least					

The following section describes the impairments in the Green Lake segment, as well as applicable restoration actions.

4.6.1 Impairments

Green Lake's shoreline contains more riparian vegetation, has a wider corridor of open park areas with less impervious surfaces, fewer parking lots, and fewer filled wetlands than in most areas of the City. The main concern with Green Lake, however, is the high amounts of nitrogen and phosphorus in the lake and its resulting water quality. The north portion of Green Lake is less impacted than the southern shore.

Table 22 indicates impairment ranges for the reaches in the Green Lake segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

Table 22

Impairment Ranges Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Green Lake–City shorelines

Reach No.	Reach	Overall Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
28	Green Lake	Moderately Impaired									

Notes:
- High Impairment
- Moderate Impairment
- Low Impairment

These results indicate that the most highly impaired processes at Green Lake are nitrogen and phosphorus. Key reasons for this impairment are the sediment and inputs from adjacent lawn areas and nonpoint urban runoff. Processes not as highly impaired are light and sediment; vegetation cover is present in many areas within the area studied (200 feet of the shoreline) and light conditions are not likely to be limiting in these areas. The sediment process at Green Lake is not as impaired because lake slopes are typically gentle and armoring is generally limited.

4.6.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Green Lake segment are categorized as High, Moderate, or Low in Table 23. This table was completed in the same manner as Table 7.

At Green Lake, no projects have been recently proposed to address any of the watershed processes described as impaired. The most applicable restoration actions would include

bioswales or similar stormwater treatments that would help address the nutrient issues in the lake and continued alum treatment to reduce the internal phosphorous levels. High priority areas for habitat protection include those with the least impairments, which would include the areas with riparian vegetation and unarmored shorelines at the lake identified in the Green Lake Vegetation Plan[1].

1 available at www.seattle.gov/parks/parkspaces/GreenLakePark/ VMP.htm.

Table 23
Applicable Restoration Actions—Green Lake

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater treatment	Wetland Restoration
28	Green Lake	Moderately Impaired	Low	High	High	Low	Low	Moderate	Moderate	High	High

Notes:
1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).
2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most")

5 IMPLEMENTATION

5.1 Implementation Strategy

Implementation of the Plan will require close coordination within the City and between the City and the partners noted in Section 2 of this Plan, as well as with agency partners such as Washington Department of Fish and Wildlife, Ecology, U.S. Army Corps of Engineers, National Oceanographic and Atmospheric Administration's National Marine Fisheries Service, and U.S. Fish and Wildlife Service.

Within the City's departments, the Department of Planning and Development is including language in the City's Comprehensive Plan that will direct the City to continue to support restoration and to use this Plan as guidance. Seattle Public Utilities will help to implement this Plan through the Restore Our Waters initiative, which coordinates restoration of City shorelines. SDOT street end management will also use the restoration plan to guide actions on street ends. The recent adoption of the Parks and Green Spaces levy will provide $500,000 for street end work. Through the implementation of this work shoreline restoration will occur on street ends. Seattle Department of Parks and Recreation will use the restoration plan to guide the management and restoration planning of their shoreline property and will continue to seek funding for shoreline restoration projects.

5.2 Timeline, Benchmarks, and Monitoring

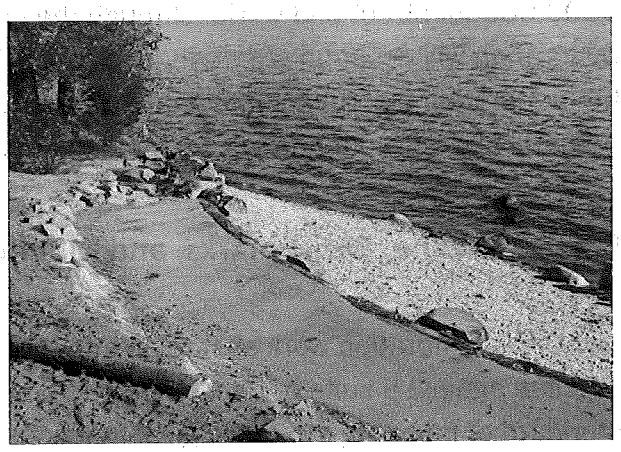
The City's restoration work as it relates to this Plan will be monitored and evaluated on a set timeline against a suite of benchmarks to determine consistency with the State's SMP policy standard of no net loss of ecological functions. This Plan will be implemented when the SMP is adopted by Ecology, with a timeline based on ten year intervals. At each 10 year interval, ecological benchmarks will be evaluated for change. These benchmarks will include variables occurring in currently available datasets such as GIS layers of shoreline features. Measurable benchmarks[2] may include the following:

- Linear distance of armoring above OHW mark
- Number of jetties/breakwaters/groins/boat ramps
- Area of overwater structures
- Linear distance with continuous trees adjacent to shore
- Linear distance with patchy trees adjacent to shore

2 Benchmarks apply for the area within 200 feet of the shoreline.

- Linear distance with no cover/grass or trees/shrubs separated from shore
- Linear distance with adjacent trees and overhanging
- Number of completely or partially altered channelized streams
- Number of CSO outfalls
- Wetland acreage existing or lost
- Number of concentrations of animals in public areas
- Number of feeder bluffs
- Linear distance of roads within 100 feet of shore
- Total impervious surface area (TIA) of basin
- Linear distance with less than 50 percent impervious (1 to 12.5, 12.5 to 50, etc.)
- Numbers of marinas or houseboats present
- Number of CSO events within the 7-year timeframe

At the conclusion of each ten year interval, current data for each of these benchmarks will be compiled and the GIS model (as described in Section 4.1) will be re-run to evaluate SMP policy consistency.



5.3 Potential Funding

There is currently no dedicated funding source for the restoration actions presented here. Restoration described in this Plan is dependent on grant funding, and there a variety of other outside funding sources available for restoration projects in the area. Funds are distributed through grant-making agencies at the local, state, and federal level; opportunities described below are primarily administered by state and federal agencies. It is expected that funding will be derived from various sources. Sources listed here do not represent an exhaustive list of potential funding opportunities, but are meant to provide an overview of the types of opportunities available. These sources include the following:

- Recreation and Conservation Office of Washington
- Ecology
  - Aquatic Weeds Financial Assistance Program
  - Water Quality Program
  - Coastal Protection Fund
  - Coastal Zone Management Administration/Implementation Awards
- Washington Department of Fish & Wildlife
  - Aquatic Lands Enhancement Account (ALEA) Volunteer Cooperative Projects Program
  - Landowner Incentive Program
- National Fish and Wildlife Foundation
  - Bring Back the Natives: A Public-Private Partnership for Restoring Populations of Native Aquatic Species
  - Five-Star Restoration Matching Grants Program
  - Marine Debris Prevention and Removal Program
  - Native Plant Conservation Initiative
  - Puget Sound Marine Conservation Fund
  - The Migratory Bird Conservancy
- King Conservation District
- Salmon Recovery Funding Board (SRFB)
- National Oceanic and Atmospheric Administration (NOAA) Restoration Center
  - Community-based Restoration Program
  - NOAA CRP 3-Year Partnership Grants
  - NOAA CRP Project Grants
- American Sportfishing Association's FishAmerica Foundation Grants
- Environmental Protection Agency Region 10: Pacific Northwest
  - The Clean Water State Revolving Fund Program
  - Nonpoint Source Implementation Grant (319) Program
  - Wetland Protection, Restoration, and Stewardship Discretionary Funding
- U.S. Fish & Wildlife Service
  - Partners for Fish and Wildlife Program
  - Puget Sound Program
  - National Fish Passage Program
  - Cooperative Endangered Species Conservation Fund

  - North American Wetlands Conservation Act Grants Program
- Puget Sound Nearshore Ecosystem Restoration Project
- Washington Department of Transportation City Fish Passage Grant Program
- Washington Department of Natural Resources Small Forest Landowner Office (SFLO)
- Private foundations, businesses, and other groups administer grant programs that include funding for shoreline habitat and ecosystems, including:
  - The Russell Family Foundation
  - William C. Kenney Watershed Protection Foundation
  - Northwest Fund for the Environment
  - Kongsgaard-Goldman Foundation
  - The Bullitt Foundation
  - The Compton Foundation
  - Doris Duke Charitable Foundation
  - The Hugh and Jane Ferguson Foundation
  - Washington Trout
  - Midsound Fisheries Enhancement Group
  - People for Puget Sound
  - The Seattle Aquarium

5.4 Conclusions

This Plan identifies the applicable restoration actions and the areas that should be protected based on the results of the Shoreline Characterization Report. As is the case for most restoration work, the restoration and protection actions described in this Plan will require extensive cooperation and coordination with citizens, public agencies, private landowners, and other stakeholders. Additionally some of the actions require the acquisition of private land, relocation of public infrastructure, changes in land use and potential restrictions on future development. It is the City's intent to use this Plan to guide restoration and habitat protection efforts so these actions result in a net increase in shoreline ecosystem function over time consistent with the vision for the shoreline of its citizens.

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Shoreline Restoration Project Sites

Map A:
Exhibit C

Seattle Shoreline
Master Program
2012 Update
Restoration Plan

Legend

Degree of Impact to Habitat Forming Processes
- Reaches were determined by aggregating sub-reach data
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Restoration project sites

Streams
- Culverted stream
- Open creek
- Shoreline

City Limits
2005 Aerial Photo

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0 1,625 3,250 6,500 Feet

COUNCIL CLERK

CITY OF SEATTLE

Shoreline Restoration & Enhancement Plan

MAP FOLIO: EXHIBIT C

AUGUST 2012

COUNCIL CLERK

EXHIBIT C Shoreline Sub-Reach Analysis

Map 2

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline

2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 1

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet
0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis Map 3

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 4

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 5

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 6

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 7

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet
0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 8

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline

2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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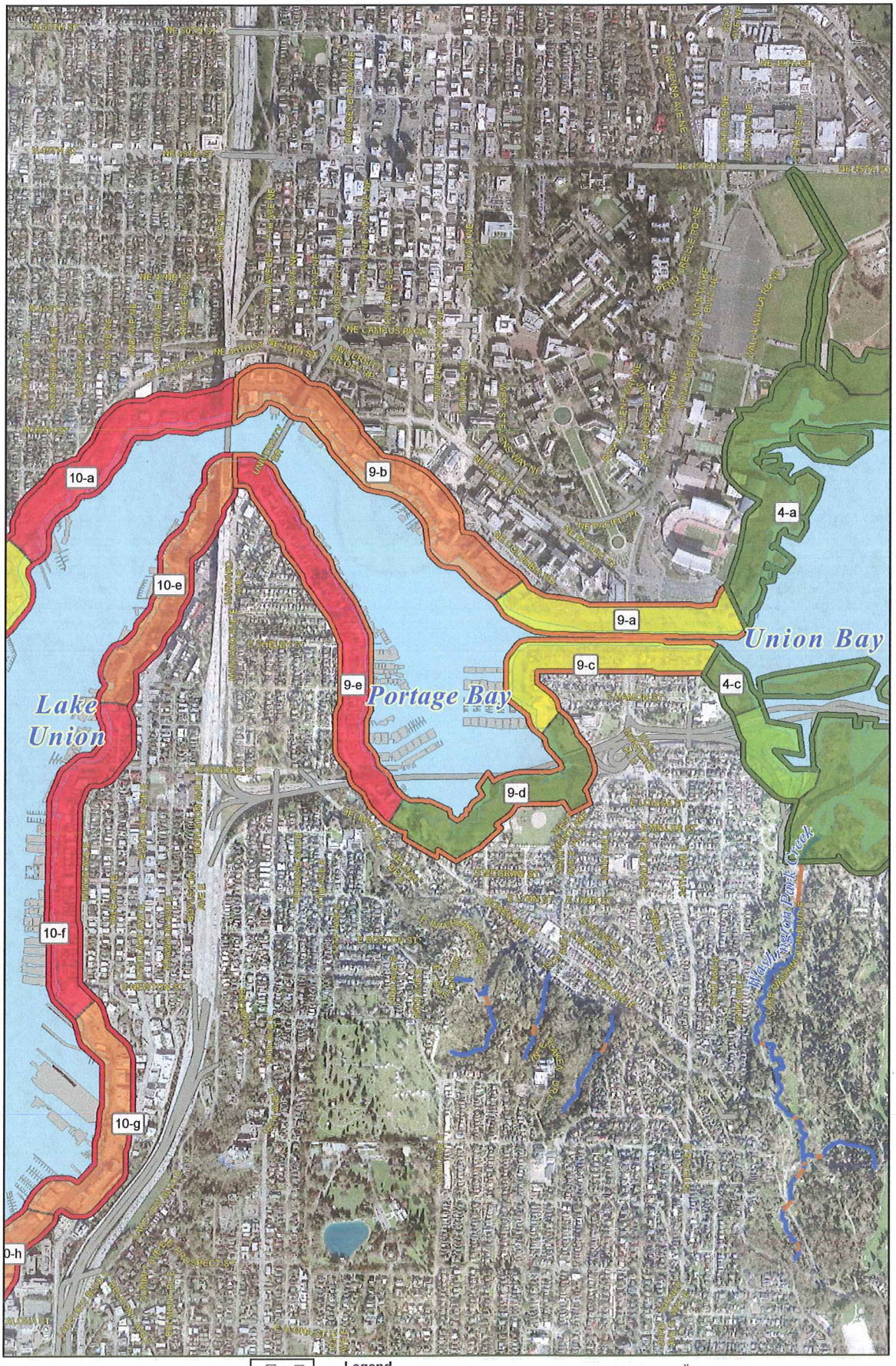
EXHIBIT C Shoreline Sub-Reach Analysis

Map 9



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 10

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline

2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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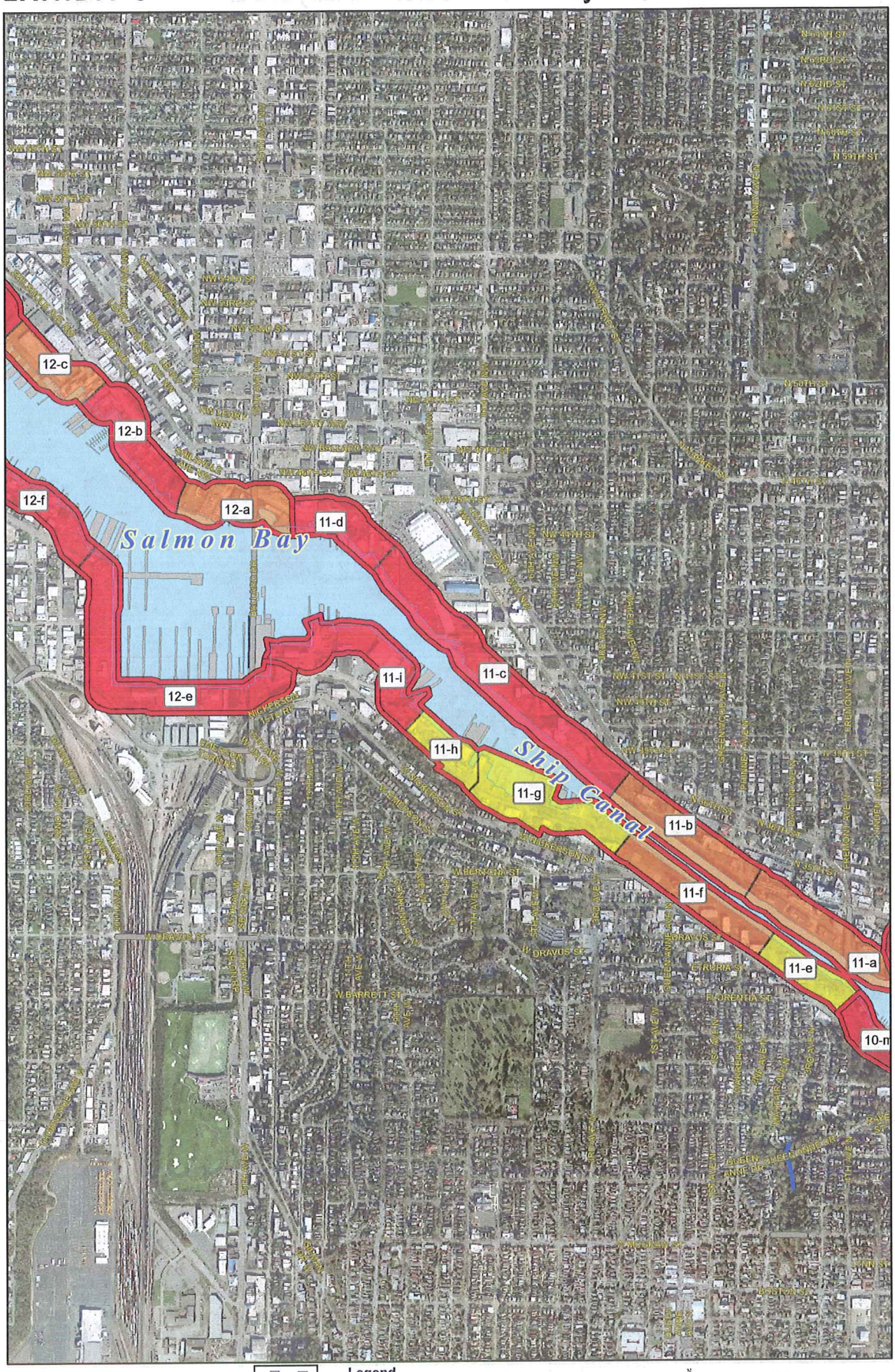
EXHIBIT C Shoreline Sub-Reach Analysis

Map 11



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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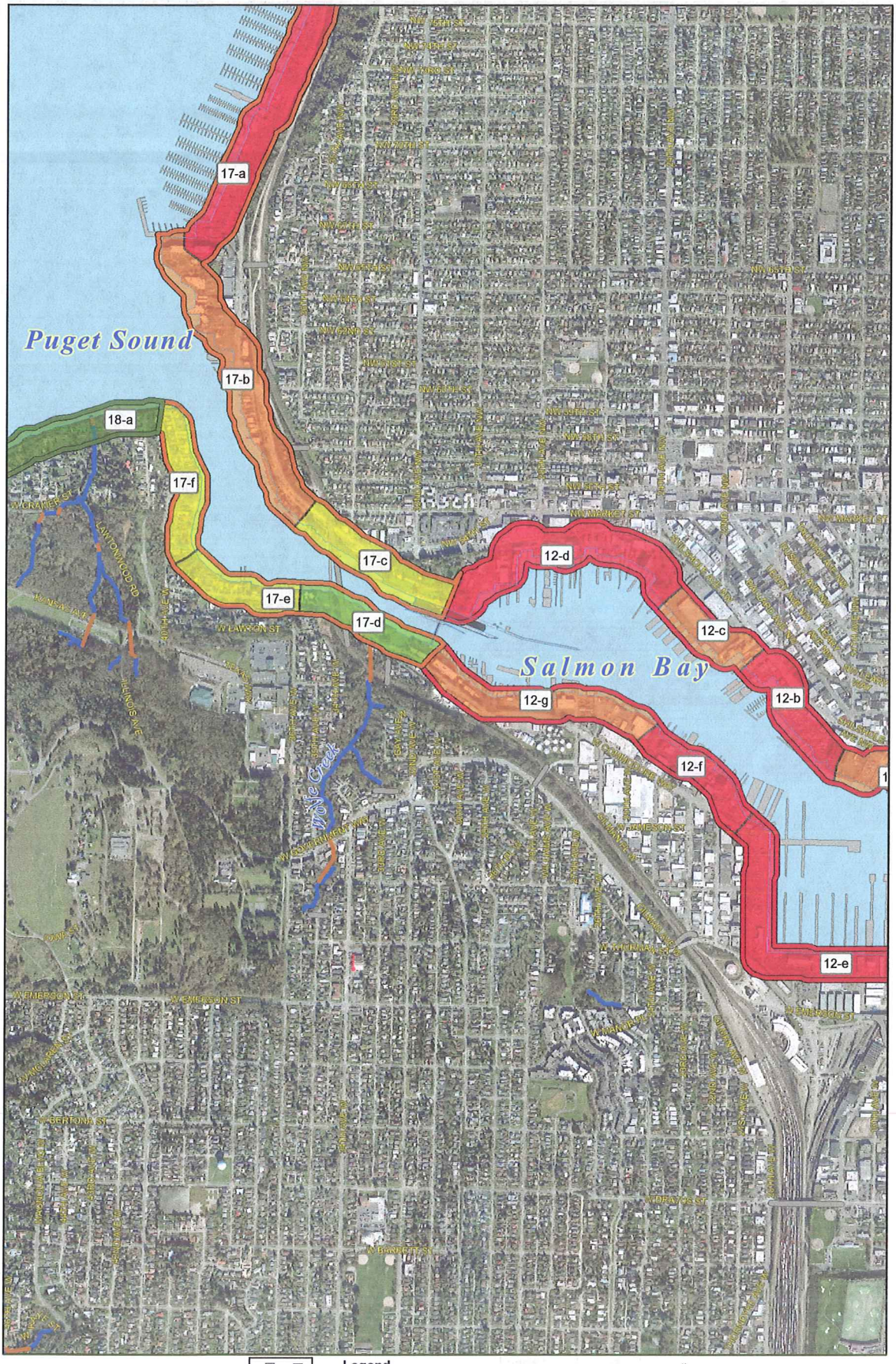
EXHIBIT C Shoreline Sub-Reach Analysis

Map 12



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
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Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

0 125 250 500 750 1,000 Feet

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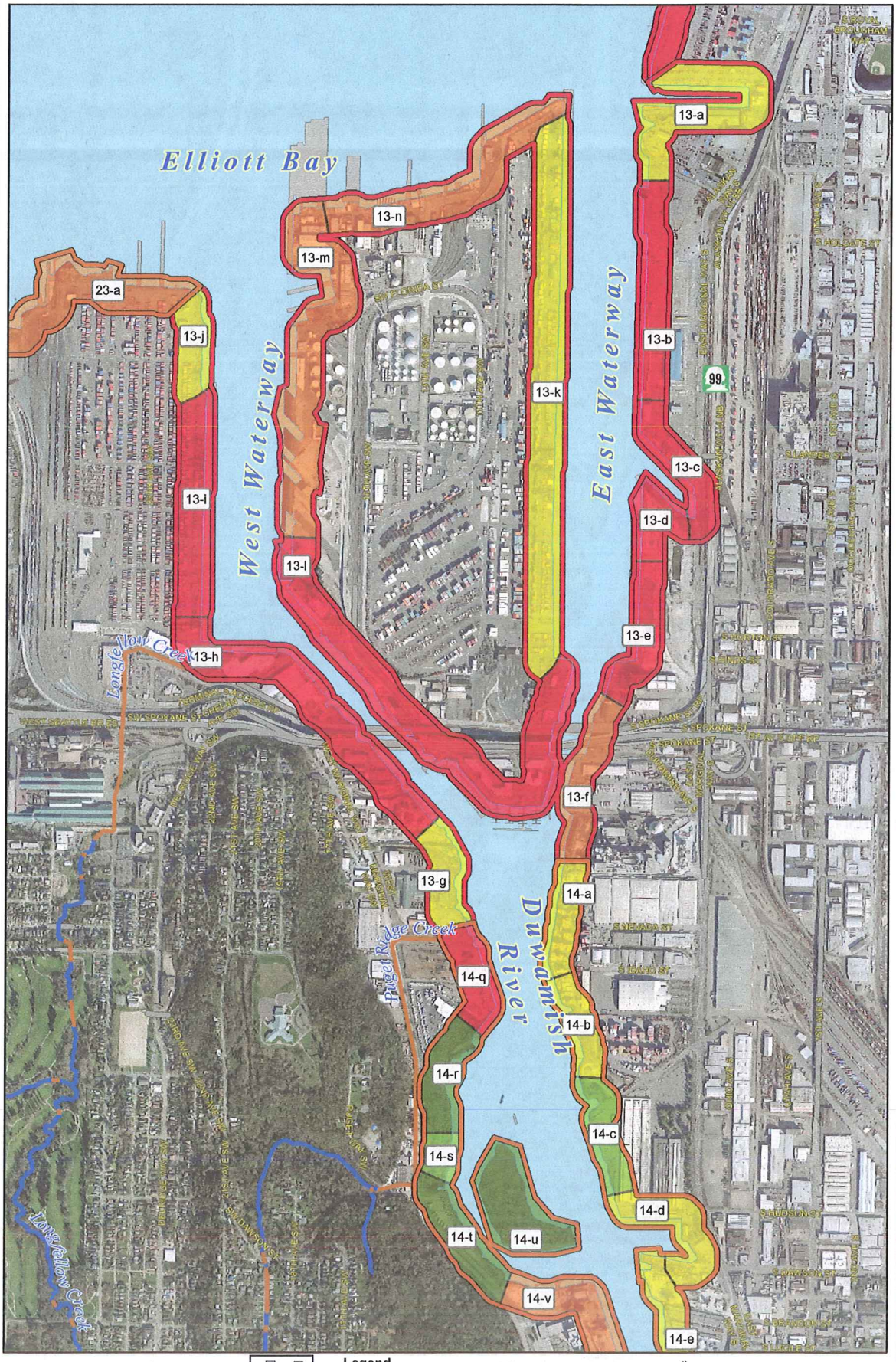
Map 13



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
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Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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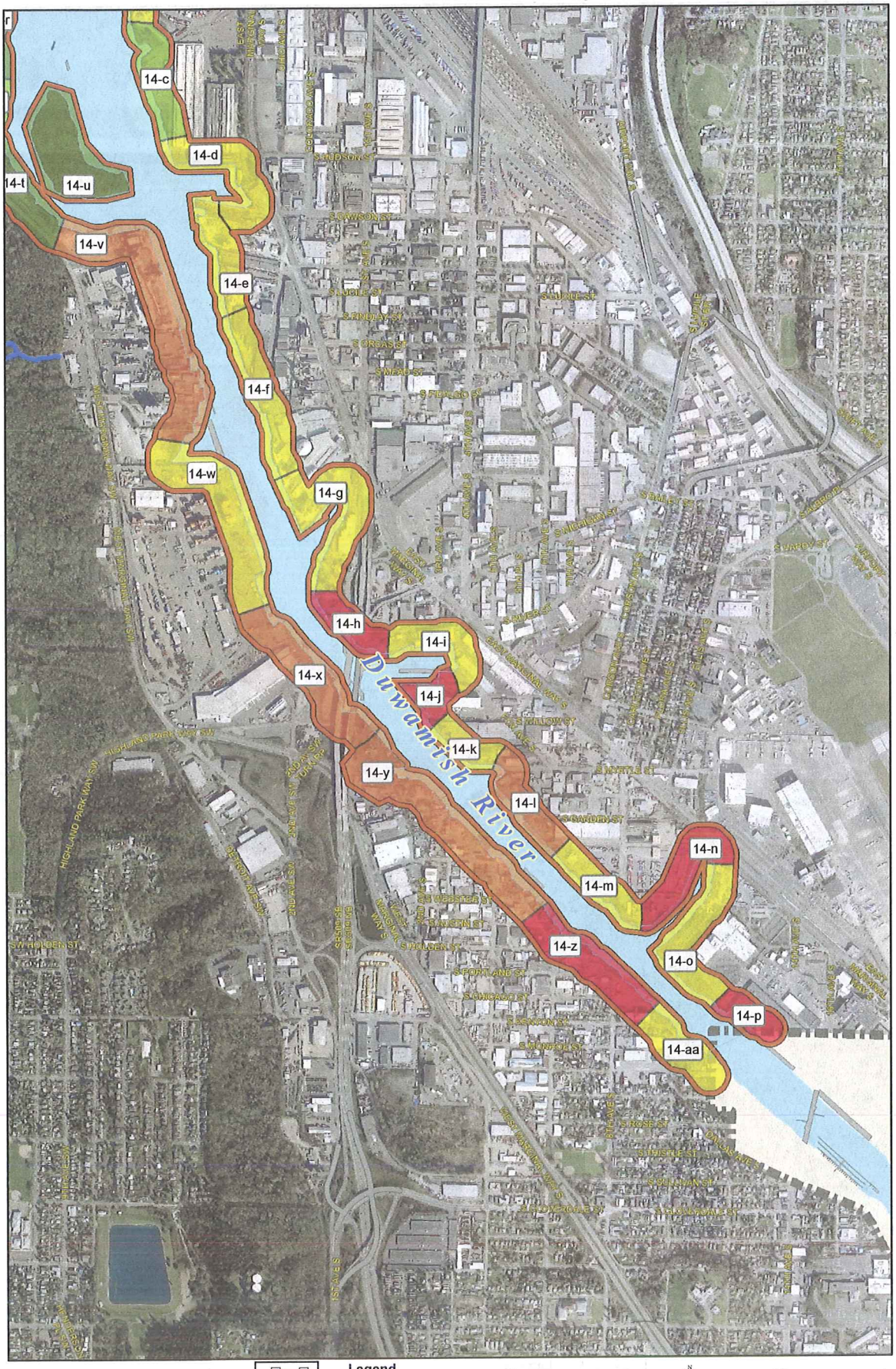
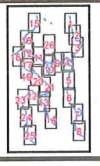
EXHIBIT C Shoreline Sub-Reach Analysis

Map 14



Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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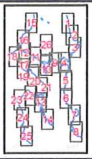
EXHIBIT C Shoreline Sub-Reach Analysis

Map 15

Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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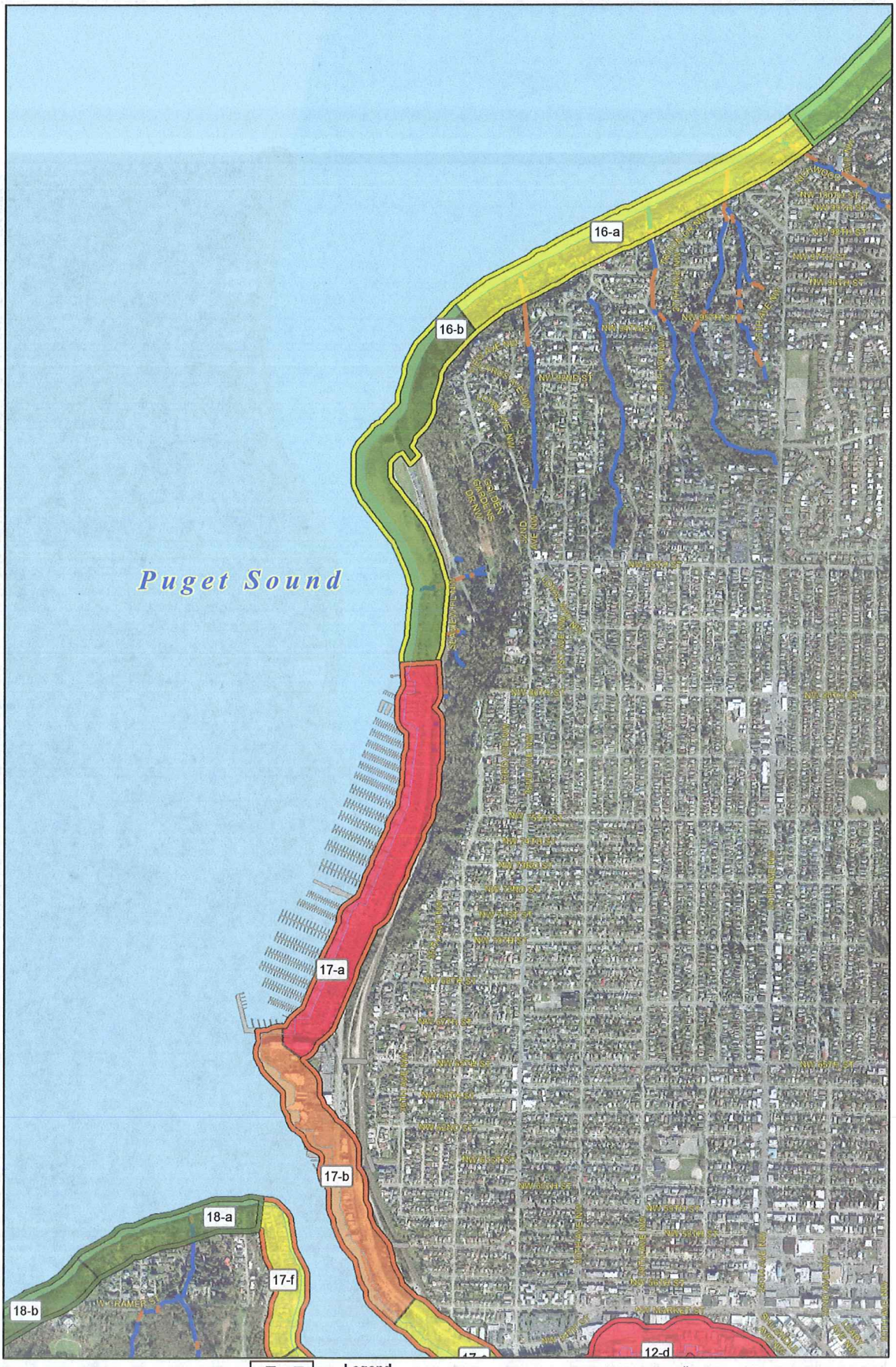
Map 16



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

0 125 250 500 750 1,000 Feet

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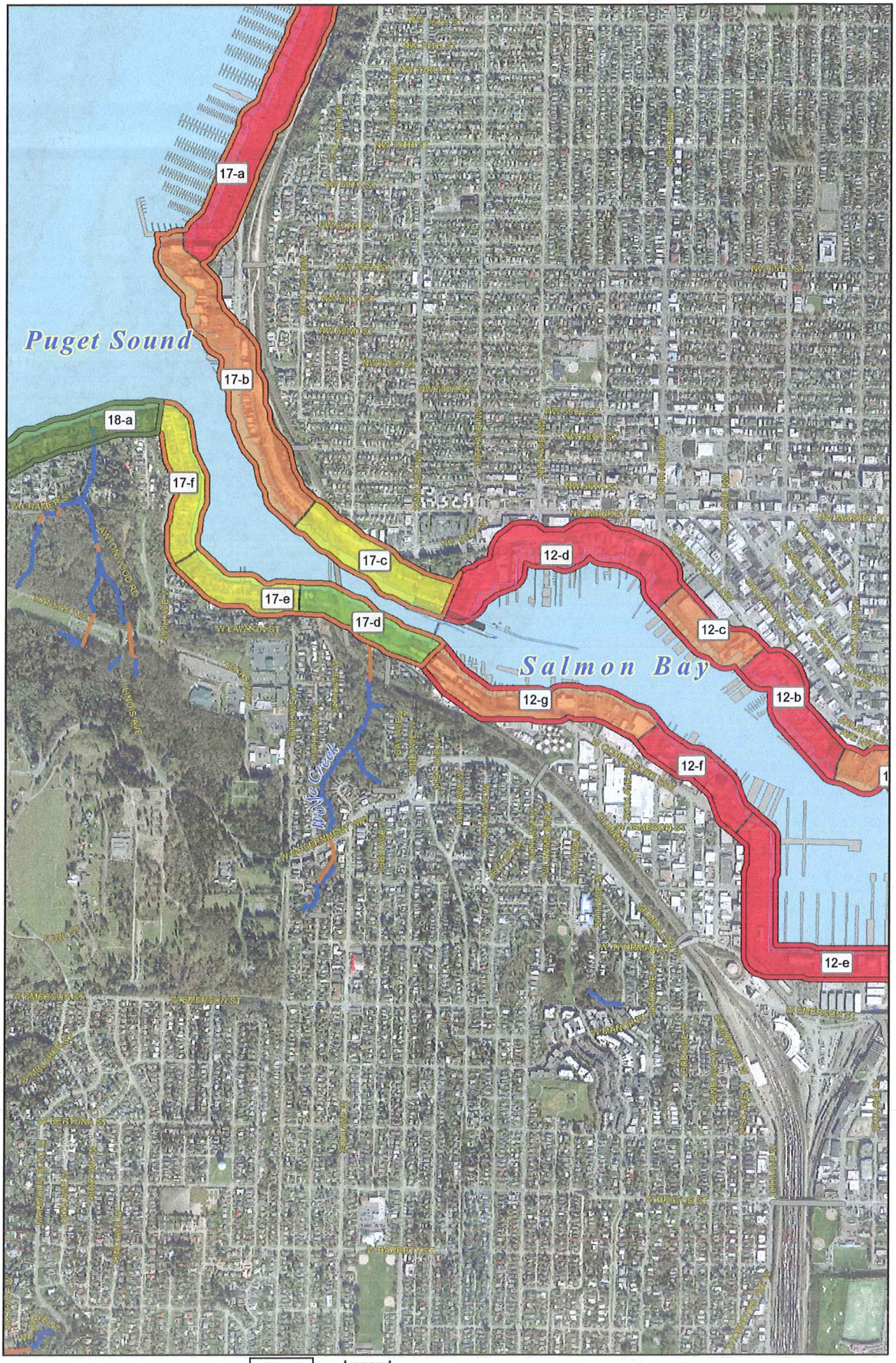
EXHIBIT C Shoreline Sub-Reach Analysis

Map 17



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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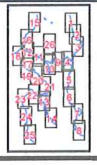
EXHIBIT C Shoreline Sub-Reach Analysis

Map 18

Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis Map 19

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis Map 20

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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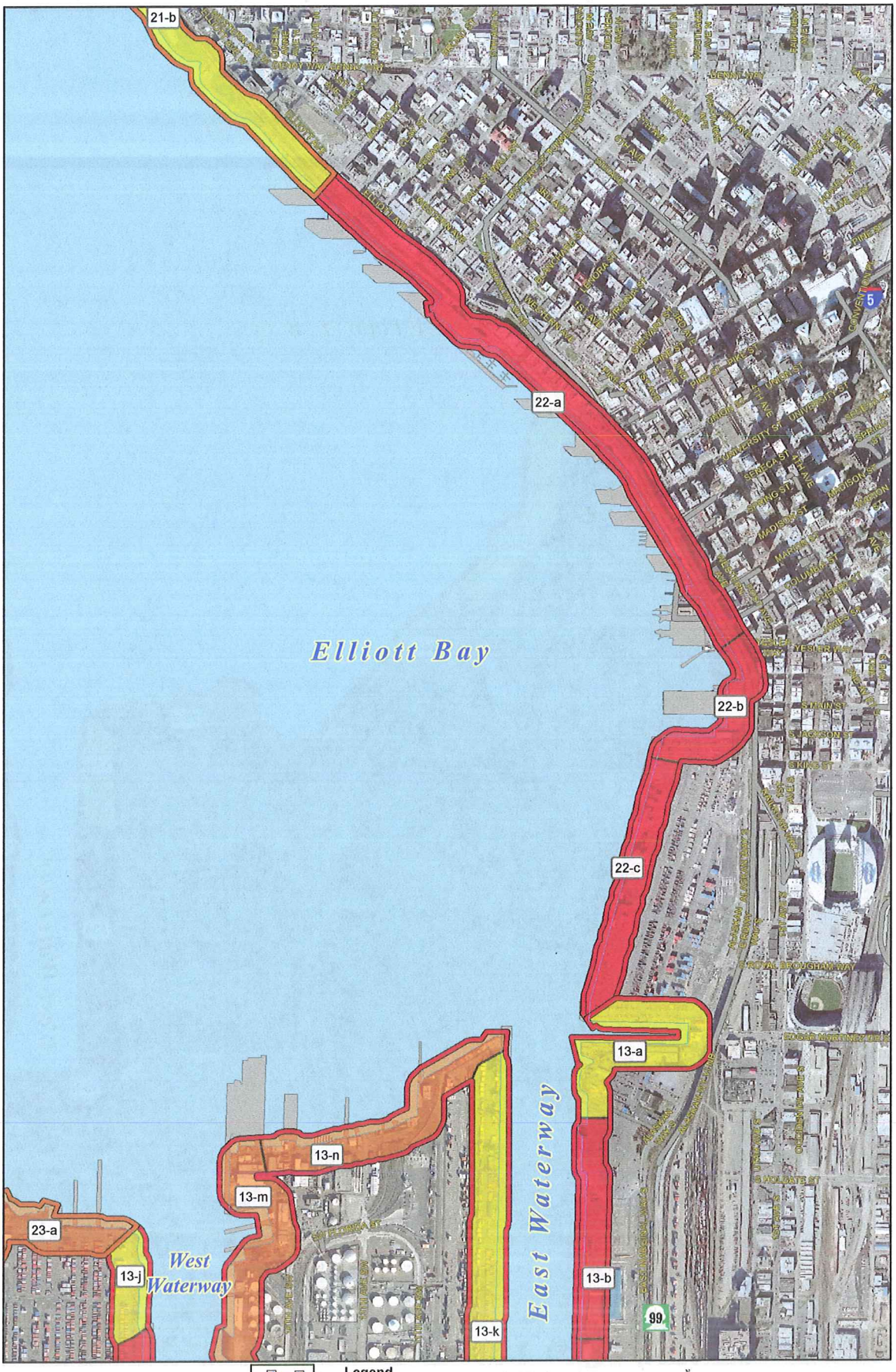
EXHIBIT C Shoreline Sub-Reach Analysis

Map 21



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
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Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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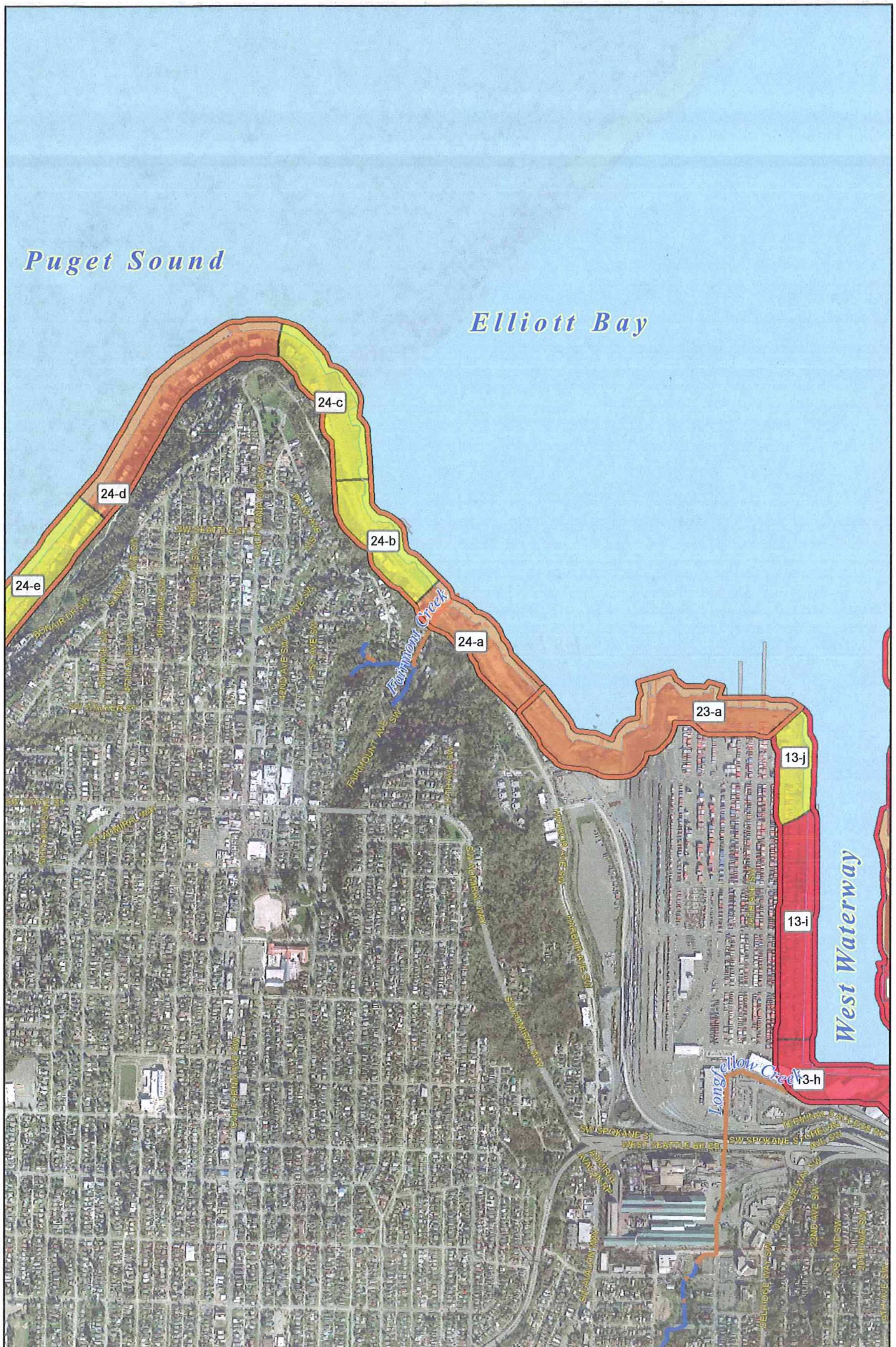
EXHIBIT C Sh[illegible]eline Sub-Reach Analysis

Map 22



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet
0 125 250 500 750 1,000

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 23

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 24

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet 0 125 250 500 750 1,000

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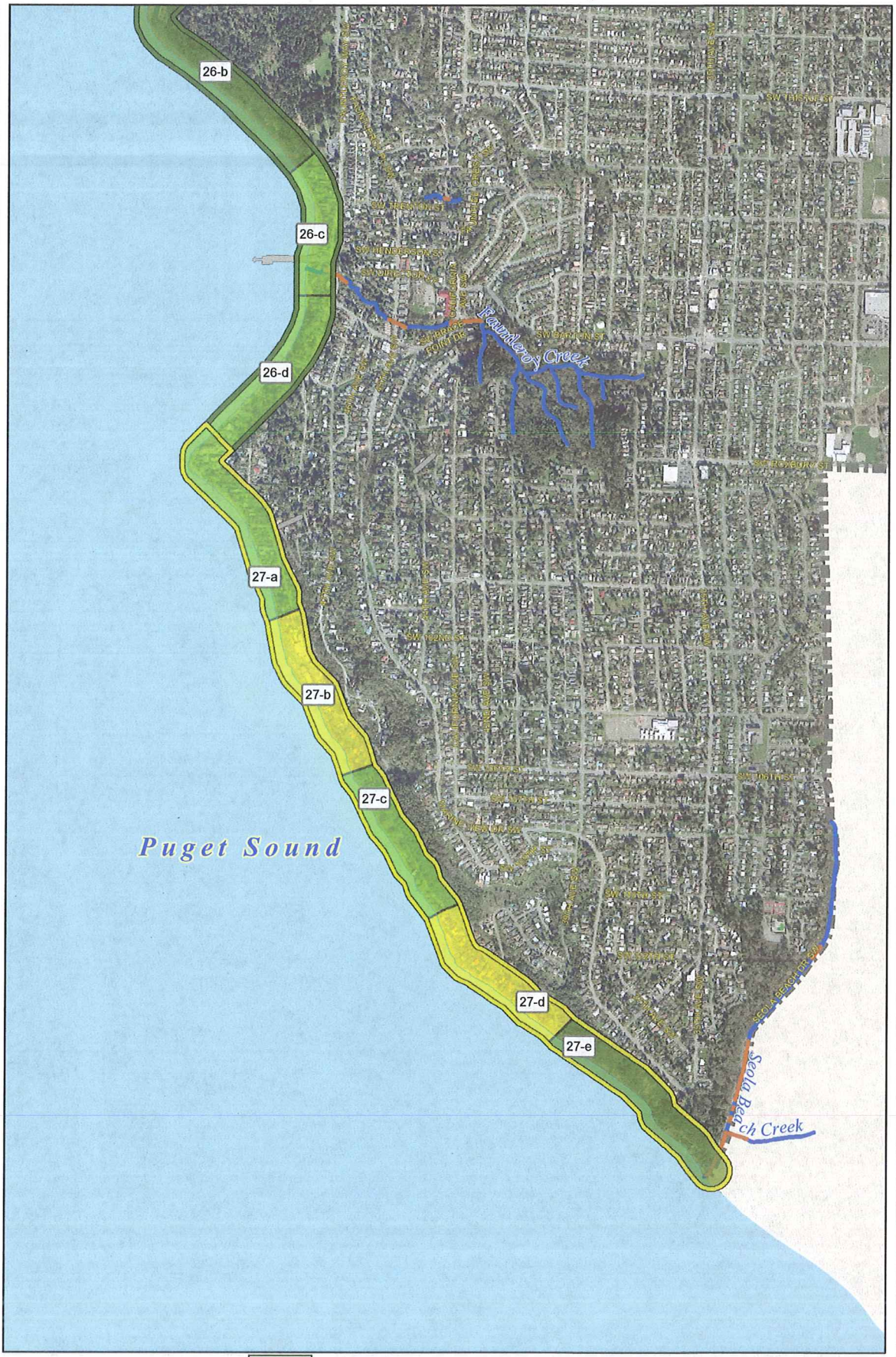
EXHIBIT C Shoreline Sub-Reach Analysis

Map 25



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 26

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

Feet
0 125 250 500 750 1,000

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Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Margaret Glowacki 386-4036	Melissa Lawrie 684-5805

AN ORDINANCE relating to the Seattle Shoreline Master Program; amending the Seattle Comprehensive Plan provisions in the Shoreline District; repealing Chapter 23.60 of the Seattle Municipal Code (SMC), the Shoreline Master Program; adopting an new Chapter 23.60A of the SMC, the Shoreline Master Program Regulations; incorporating and amending Chapter 25.09 of the SMC, environmentally critical areas regulations located in the Shoreline District into Chapter 23.60A of the SMC; amending subsection 23.80.004.C of the SMC, essential public facilities for light rail transit in the Shoreline District; adding certain shoreline violations to the citation process in Chapter 23.91of the SMC; amending Chapter 23.32 of the SMC at pages 1, 10, 33, 49, 52, 53, 65, 74, 75, 80, 81, 82, 83, 84, 97, 99, 114, 125, 208, 210, 214, 215, and 217 of the Official Land Use Map to revise the locations of shoreline environments; adopting a Restoration and Enhancement Plan; repealing subsections 25.09.020.D.6 and 25.09.200.B of the environmentally critical areas regulations, creating and regulating shoreline habitat as a critical area; and amending Sections 22.170.110, 22.805.020, 22.807.020, 23.28.030, 23.34.007, 23.41.004, 23.41.012, 23.42.038, 23.42.040, 23.42.100, 23.44.006, 23.44.008, 23.44.010, 23.44.014, 23.44.052, 23.45.536, 23.45.545, 23.50.002, 23.50.014, 23.50.018, 23.50.026, 23.55.015, 23.57.002, 23.72.006, 23.72.008, 23.76.006, 23.76.066, 23.88.020, 23.90.006, 23.91.002, 25.09.015, 25.09.020, 25.09.045, Section 25.09.200, 25.09.240, 25.09.260, 25.09.320, 25.09.330, 25.09.520 of the SMC.

Summary of the Legislation:

This legislation, mandated by the State Legislature, requires that Seattle comply with the Shoreline Master Program Guidelines (2003) established by the Department of Ecology under the Shoreline Management Act (SMA). The SMA was created by citizen referendum in 1972, and last updated 25 years ago. The SMA establishes three major policy goals in regulating the Shoreline District: to provide for water-dependent uses; to protect and restore the shoreline ecological conditions; and to provide for public access for public enjoyment of the shorelines.

Additionally, the SMP update has provided DPD with the opportunity to fine-tune shoreline regulations to ensure that economic development and environmental protection priorities are effectively balanced.

Specifically, this legislation:

- Requires that the regulations, including the Environmentally Critical Areas regulations, meet No Net Loss (NNL) of Ecological functions.

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- Regulates environmentally critical areas located in the Shoreline District under the SMP.
- Develops a restoration plan that is non-regulatory and when implemented results in improved ecological functions of the shoreline.
- Requires that non-water-oriented uses, when allowed on waterfront lots, include ecological restoration to meet the goals of the SMA.
- Requires that non-conforming uses and structures when allowed to be replaced include ecological restoration to meet the goals of the SMA.
- Includes shoreline buffers for all shoreline environments based on the purpose of the shoreline environment and the ecological conditions of the shoreline as determined by the Shoreline Inventory and Characterization Report. Buffers range from 15 ft for water dependent and water related uses in the Urban Industrial and Urban Maritime Shoreline Environments to 100 ft in areas of the Conservancy Preservation Shoreline Environment where there is little to no existing development.
- Adds a new section to the SMC to allow 20% of a site to be used for uses that are not water-dependent or water-related (WD/WR) and support WD/WR uses as identified in the Seattle Shoreline Market Study. These uses are allowed without a Conditional Use.
- Adds a new section to the SMC to allow additional height for structures that are used for the above allowed uses that are not WD/WR and for accessory uses.
- Adds a new section to the SMC for small lots that allows for WD/WR uses to be located over water on lots in the Urban Commercial and Urban Maritime shoreline environments and allow certain non-water-dependent or water-related uses to be located overwater as a Conditional Use.
- Includes provisions in the overwater structures and bulkhead/shoreline stabilization sections of the regulations that allow for water-dependent and water-related uses to replace these structures without the need to provide additional information to demonstrate the need for these structures for the operation of water-dependent and water-related businesses.
- Removes any conditional use requirement from the existing regulations for all water-dependent and water-related uses.
- Changes boat repair from a prohibited use to an allowed use in the Conservancy Waterway shoreline environment to allow for boat builders to use adjacent water for their operation.
- Adds a definition for "reasonable" that includes cost consideration for mitigation actions.
- Adds new sections to the SMC for mitigation sequencing that requires a project to avoid impacts and mitigate remaining impacts to achieve NNL.
- Adds a new section to the SMC that defines and protects priority freshwater and saltwater habitat.
- Adds a new section to the SMC that regulates shoreline modifications, including modified regulations for aquatic noxious weed control, breakwater, jetties, groins and weirs, dredging, fill, grading, landfill, piers and floats and shoreline stabilization and new regulations for artificial reefs, boat launch and landing facilities, dry docks, heat exchangers, floating dolphins, mooring buoys, mooring pilings, slope stabilization, and vegetation and impervious surface management.
- Includes the allowance for temporary development that requires mitigation to achieve NNL.

COUNCIL CLERK

- Allows for existing structures in the Urban shoreline environments built in the required setback to be replaced if mitigation is provided.
- Allows recreational marinas in the Urban Industrial and Urban Maritime shoreline environments in the Lake Union Ship Canal.
- Maintains current regulations for floating homes to be repaired, maintained and replaced.
- Prohibits new floating homes.
- Maintains current regulations prohibiting house barges after 1990 and requiring water quality protection.

Background:
The Department of Ecology's 2003 SMP Guidelines require that local jurisdictions comprehensively update their SMPs. In 2007, DPD was awarded a $400,000 grant from the Department of Ecology to update the Shoreline Master Program to meet Department of Ecology's 2003 Guidelines. The final Shoreline Master Program at the completion of the update will consist of the Shoreline Master Program Regulations, the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan and Environmental Critical Areas regulations for critical areas within the Shoreline District.

The SMP is composed of the SMP Regulations (SMC 23.60A), the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan required by WAC 173-26-201(2)(f) and Chapter 25.09 regulations for Environmental Critical Areas. In preparing the updated SMP, DPD also prepared the following:

1. ***Shoreline Inventory and Characterization Report.*** In 2009, a Shoreline Characterization Report was published that rated the shoreline's ecological condition with five ratings from least impaired to most impaired.
2. ***Public Participation Plan.*** DPD produced a public participation plan that included a website, an open house, a public survey of Seattle citizens and seven "visioning workshops", and the formation of a Citizen Advisory Committee (CAC) who started meeting in 2008, and who last met in 2011 to review the proposed amended SMP.
3. ***Shoreline Environments.*** DPD evaluated existing shoreline environment designations and compared these designations with Ecology's new requirements and proposed revisions as required, and are part of the legislative package.
4. ***Cumulative Impact Analysis.*** DPD analyzed the proposed regulations to determine if the regulations, when implemented, meet "no net loss" of ecological functions. A Cumulative Impact Analysis report was produced detailing the findings of this analysis.

Please check one of the following:

____ **This legislation does not have any financial implications.**

_X_ **This legislation has financial implications.**

Note: While the legislation does not have direct financial impacts on DPD or other City departments, it is expected to require a slight increase in review time by DPD staff for

review of shoreline permit applications. This increase in staff time will be paid for through existing fee structures in 2012. Additional changes to DPD fees related to the Shoreline Master Plan are reflected in the 2013-2014 DPD fee ordinance, which will be submitted to Council separately along with the 2013-2014 Proposed Budget.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes, while the legislation does not pose direct impacts to annual budgets, it is expected to require a slight increase in review time by DPD staff for review of shoreline permit applications. As described above, it is expected that additional staff time in 2013 will be paid for through existing fee structures.

b) What is the financial cost of not implementing the legislation?

The SMP update is mandated by the State Legislature.

c) Does this legislation affect any departments besides the originating department?

All departments will be required to comply with the amended regulations. City departments that own submerged property and/or property within 200 feet landward of the ordinary high water mark are required to comply with shoreline regulations.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

This legislation is mandated by the State Legislature.

e) Is a public hearing required for this legislation?

Yes, a public hearing is required before the City Council. .

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, notice of the public hearing is required in The Daily Journal of Commerce, both for the SEPA determination, which was published in June, 2012, and again once a date for the City Council's public hearing is scheduled. Notice of the public hearing must be provided thirty days before the hearing.

g) Does this legislation affect a piece of property?

The legislation effects all submerged areas of Lake Washington, Lake Union, the Ship Canal, Green Lake, the Duwamish and Puget Sound, all areas within 200 feet landward of the Ordinary High Water mark of the previously listed water bodies, and all flood plains and wetlands that are associated with the previously listed water bodies. The map

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in Attachment 1 to the fiscal note illustrates the area affected by this legislation.

h) Other Issues:
The DPD fee ordinance must be amended to clarify how fees currently required for Environmental Critical Areas review will be assessed and collected for the critical areas located within the Shoreline District. The 2013-2014 DPD fee ordinance will be submitted to Council separately along with the 2013-2014 Proposed Budget.

List attachments to the fiscal note below:

Attachment 1: Map A Shoreline Environments

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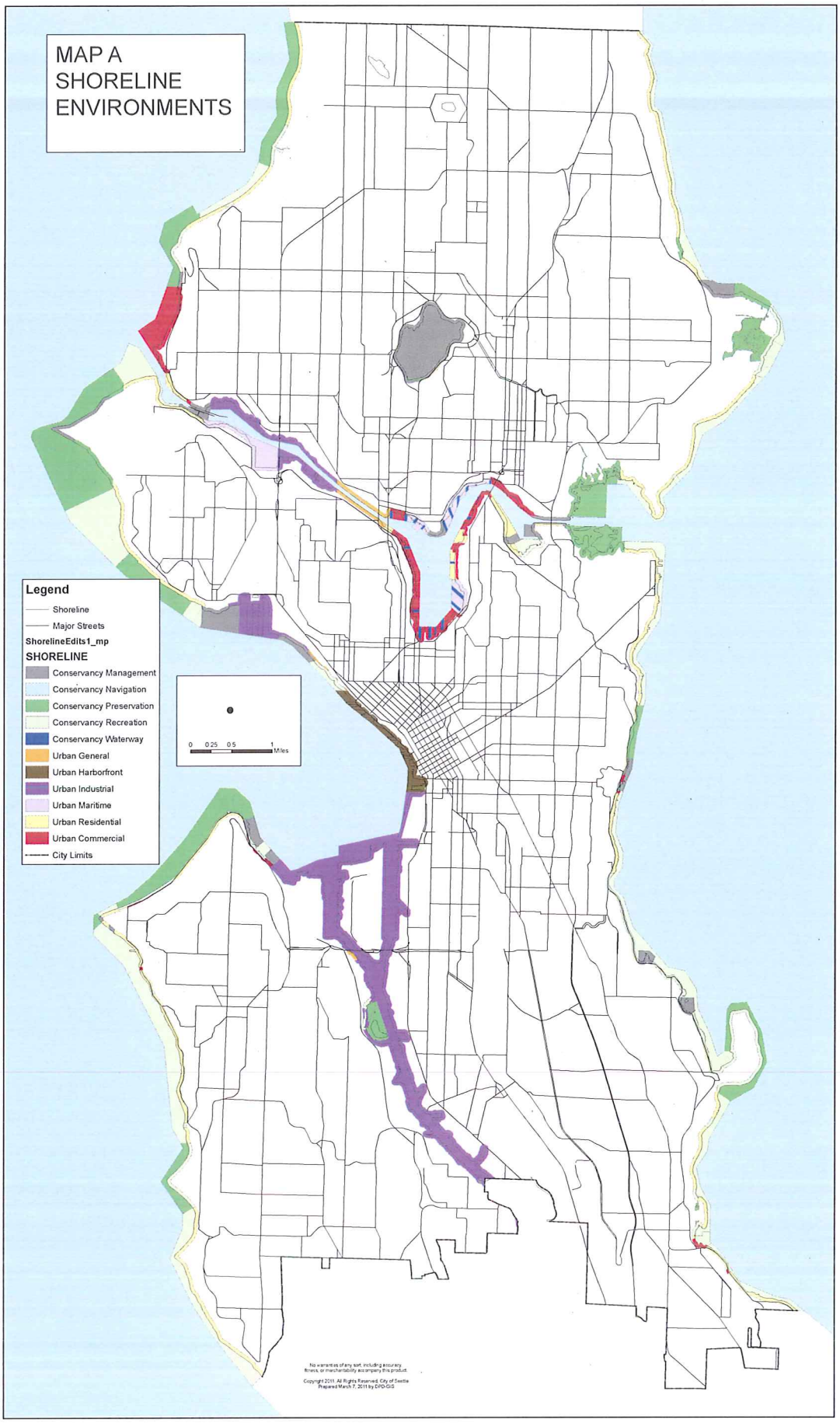

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City of Seattle
Office of the Mayor

September 4, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill updating Seattle's Shoreline Master Program (SMP), which was last updated by the City in 2003. This legislation, mandated by the State Legislature, requires Seattle to comply with the Shoreline Master Program Guidelines established by the Department of Ecology under the Shoreline Management Act (SMA). The SMA establishes three major policy goals in regulating the Shoreline District relating to use and protection of the exceptionally valuable and vulnerable shoreline resources: to provide for water-dependent uses; to protect and restore the shoreline ecological conditions; and to provide for public access for public enjoyment of the shorelines.

The legislation addresses a number of key elements of Shoreline Master Program regulations, including - provisions addressing overwater structures, particularly living over water; flexibility to allow some non-water dependent uses that are supportive of maritime uses on waterfront lots; increased protection for shoreline ecology through setbacks and vegetation requirements; and enhanced mitigation provisions to both better offset the impacts on sensitive shorelines and to allow the review permit applications in a more transparent and timely manner. The SMP update has also provided DPD with the opportunity to fine-tune shoreline regulations to ensure that economic development and environmental protection priorities can both be achieved.

The recommended regulations strike the necessary balance among the SMA goals and will serve an important part in preserving the value of Seattle's shorelines for everyone. Thank you for your consideration of this legislation. Should you have questions, please contact Maggie Glowacki 386-4036.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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