



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** December 1, 2012

**To:** Richard Conlin, Chair  
Tim Burgess, Vice Chair  
Mike O'Brien, Member  
Planning, Land Use and Sustainability (PLUS) Committee

**From:** Ketil Freeman, Council Central Staff

**Subject:** Council Bill 117585 – Shoreline Master Program Update

**Introduction:**

The Shoreline Management Act (SMA) was enacted in 1972 and establishes three policy focus areas: 1) preservation of the shoreline for preferred uses, such as water-dependent and water-related commercial and industrial uses; 2) environmental protection and; 3) public access to the shoreline. Jurisdictions, like Seattle, containing state shorelines are required to adopt and periodically update Shoreline Master Programs (SMPs) to implement the policies of the SMA. Seattle last updated its SMP in 1987.

Council Bill 117585 contains the proposed SMP update. The SMP update is comprised of the following: land use regulations that apply in an overlay zone for the shoreline; land use regulations for shoreline-related environmentally critical areas; shoreline goals and policies adopted into the Land Use Element of the Comprehensive Plan; and a non-regulatory Shoreline Restoration and Enhancement Plan.

This memo:

- Identifies the content of a second substitute bill and
- Sets out amendment language for clarifying and substantive amendments.

**Second Substitute Council Bill:**

Staff has prepared a second substitute bill that makes non-substantive changes to C.B. 117585, as amended on October 26<sup>th</sup>. Changes include corrected spelling, punctuation, and cross-references; section renumbering; and other changes that do not change the effect or intent of proposed regulations or Comprehensive Plan goals and policies. Changes are in a redlined line-in / line-out format.

Moving a substitute will give the Committee a cleaner base bill for future amendments.

**Next Steps:**

On December 12<sup>th</sup> the Committee will discuss and vote on any amendments related to the suite of issues associated with residential uses over water and take up the remainder of issues not discussed on December 3<sup>rd</sup>.

| #                     | General Issue                                                                                | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed Amendment                                                                                                                        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| <b>Shoreline Uses</b> |                                                                                              |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                           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| 1.                    | SMA use preferences and non water-dependent and water-related (WD/WR) uses in the shoreline. |                        | <p>Zymogenetics, a business that is in the unique situation of being both overwater but not a waterfront lot due the separation of Fairview Avenue, noted that strict interpretation of the proposed SMP could preclude their use from continuing as a conforming use.</p> <p>Zymogenetics is located in an Urban Maritime (UM) Environment.</p> <p>The proposed amendment clarifies that overwater restrictions are for uses on waterfront lots. To ensure that the proposed amendment would apply to other similarly situated properties, the amendment further clarifies that restrictions in the use tables for the Urban Commercial (UC), Urban General (UG), Urban Industrial (UI) and UM Environments apply to waterfront lots.</p> | <p><b>23.60A.090 Identification of principal and accessory uses</b></p> <p>A. In all shoreline environments all uses <u>on waterfront lots</u> are prohibited over water as a principal or accessory use unless the use is allowed or allowed as a special use, a shoreline conditional use or a Council conditional use in the shoreline environment where the use is proposed and the use is:</p> <p><b>23.60A.382 Uses in the UC Environment</b></p> <p>A. Use regulations</p> <ol style="list-style-type: none"> <li>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.382 and Table A for 23.60A.382, and Section 23.60A.384. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.382.</li> <li>2. <u>Table A and water-dependent and water-related uses</u> <ol style="list-style-type: none"> <li>a. <u>Table A and subsections 23.60A.382.C through H apply to waterfront lots.</u></li> <li>b. If Table A for 23.60A.382 or text of Section 23.60A.382 or Section 23.60A.384 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</li> </ol> </li> <li>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190. <p style="text-align: right;">***</p> </li> </ol> <p>C. Limited commercial uses</p> <ol style="list-style-type: none"> <li>1. The following uses are prohibited(<del>on waterfront lots</del>), except they are allowed if water-oriented or if the requirements of subsections 23.60A.382.C.2 through 23.60A.382.C.5 are met:</li> <li>4. Development that includes any of the uses listed in subsection 23.60A.382.C.1 that is not water-oriented shall be in a development that includes a water-dependent use that occupies an area equal to 50 percent of the surface of the site and complies with one of the following conditions or a combination of conditions if the Director determines the combination would achieve a similar offset for siting a use that is not water-oriented(<del>on a waterfront lot</del>):</li> </ol> <p>D. Artist studio/dwellings, multifamily structures, and single-family dwelling units</p> <ol style="list-style-type: none"> <li>1. Existing artist studio/dwellings, multifamily structures, and single-family dwelling units located on dry land are allowed(<del>on waterfront lots</del>) if there is no increase in the number of units.</li> <li>4. New or expanded artist studio/dwellings, multifamily structures, and single-family dwelling units on dry land (<del>on waterfront lots</del>) are allowed as a shoreline conditional use if: <ol style="list-style-type: none"> <li>c. The use is on a lot developed with or on a lot abutting another lot developed with a residential use(<del>on waterfront lots</del>) other than a caretaker's quarters; and</li> </ol> </li> </ol> <p>E. Location of uses</p> <ol style="list-style-type: none"> <li>1. If an office use is allowed(<del>on a waterfront lot</del>) only above the lowest floor level of the structure no more than 50 percent of the lowest floor level of the structure shall be occupied by required parking for uses in the building;</li> </ol> <p>F. New floating homes and floating home moorages are prohibited except as allowed under Section 23.60A.202. Uses accessory to floating homes, including storage, are allowed(<del>on waterfront lots</del>) if located 35 feet or more waterward from the OHW mark.</p> <p><b>23.60A.402 Uses in the UG Environment</b></p> <p>A. Use regulations</p> <ol style="list-style-type: none"> <li>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.402 and Table A for 23.60A.402. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.402.</li> <li>2. <u>Table A and water-dependent and water-related uses</u> <ol style="list-style-type: none"> <li>a. <u>Table A and subsections 23.60A.402.C through F apply to waterfront lots.</u></li> <li>b. If Table A for 23.60A.402 or text of Section 23.60A.402 or 23.60A.404 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</li> </ol> </li> </ol> <p><b>23.60A.482 Uses in the UI Environment</b></p> |

| #  | General Issue                                                                            | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|    |                                                                                          |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>A. Use regulations</p> <ol style="list-style-type: none"> <li>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.482 and Table A for 23.60A.482 and Section 23.60A.484. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.482.</li> <li>2. <u>Table A and water-dependent and water-related uses</u> <ol style="list-style-type: none"> <li>a. <u>Table A and subsections 23.60A.482.C through J apply to waterfront lots.</u></li> <li>b. If Table A for 23.60A.482 or text of Section 23.60A.482 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</li> </ol> </li> <li>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.</li> </ol> <p style="text-align: center;">***</p> <p><b>23.60A.502 Uses in the UM Environment</b></p> <p>A. Use regulations</p> <ol style="list-style-type: none"> <li>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.502 and Table A for 23.60A.502 and Section 23.60A.504. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.502.</li> <li>2. <u>Table A and water-dependent and water-related uses</u> <ol style="list-style-type: none"> <li>a. <u>Table A and subsections 23.60A.502.C through H apply to waterfront lots.</u></li> <li>b. If Table A for 23.60A.502 or text of Section 23.60A.502 or Section 23.60A.504 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</li> </ol> </li> <li>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2. | Offset requirements for establishing or maintaining non-preferred uses in the shoreline. |                        | <p>The state <i>Master Program Guidelines</i> indicate that jurisdictions should prohibit non-water oriented commercial uses from locating in the shoreline unless they provide a significant benefit relative to an SMA policy. See generally WAC 173-26-241.</p> <p>The proposed SMP would allow some non-water dependent uses to locate or remain in the shoreline if certain conditions are met including the SMA benefit of ecological restoration within one mile of the site of an area equal to the use in the shoreline. In Committee discussions this has been referred to as the “offset.”</p> <p>The Lake Union Association and counsel for several property owners and</p> | <p><b>23.60A.224 Uses in the CM Environment</b></p> <p style="text-align: center;">***</p> <p>C. Certain commercial uses</p> <ol style="list-style-type: none"> <li>2. The uses in subsection 23.60A.224.C.1 are allowed in existing buildings within designated historic districts if: <ol style="list-style-type: none"> <li>a. The use is water-oriented; or</li> <li>b. The use is nonwater-oriented, a water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the area occupied by any nonwater-oriented use is provided in the Shoreline District within <del>((one mile of))</del><u>the same geographic area as</u> the site.</li> </ol> </li> </ol> <p>D. Meeting rooms, offices and storage are prohibited, except these uses are allowed in existing buildings within designated historic districts if:</p> <ol style="list-style-type: none"> <li>2. A water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the gross floor area of any nonwater oriented is provided within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as</u> the site. <p><b>23.60A.382 Uses in the UC Environment</b></p> <p style="text-align: center;">***</p> <p>B. Certain commercial uses</p> <ol style="list-style-type: none"> <li>3. If the use in subsection 23.60A.282.B.1 is nonwater-oriented, it is allowed as a shoreline conditional use if a water-dependent uses must occupy an area equal to 50 percent of the surface area of the site, and ecological restoration equivalent to the gross floor area of nonwater-oriented uses is <del>((required))</del><u>provided</u> within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as</u> the site. <p><b>23.60A.390 Shoreline setbacks in the UC Environment</b></p> <p style="text-align: center;">***</p> <p>D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UC Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as</u> the site is provided.</p> </li></ol></li></ol> |

| #  | General Issue              | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|    |                            |                        | <p>businesses around Lake Union and the Ship Canal expressed the concern that there may not be enough restoration opportunities close to proposed development to provide ecological restoration as an offset.</p> <p>The proposed amendment increases flexibility for locating restoration sites by expanding the locations to include the “geographic area” where the site is located.</p> <p>“Geographic area” would be defined by the SMP update to include seven sub-regions. Lake Union and the Ship Canal is one sub-region.</p> | <p><b>23.60A.410 Shoreline setbacks in the UG Environment</b></p> <p style="text-align: center;">***</p> <p>B. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UG Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if <del>((they provide ))</del>an area of ecological restoration equivalent to the area of the footprint of the structure located in the shoreline setback is required within the Shoreline District within <del>((+ mile of))</del><u>the same geographic area as the site is provided.</u></p> <p><b>23.60A.450 Shoreline and side setbacks in the UH Environment</b></p> <p style="text-align: center;">***</p> <p>C. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UH Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if <del>((they provide ))</del>an area of ecological restoration, equivalent to the footprint of the structure located in the shoreline setback, within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as the site is provided.</u></p> <p><b>23.60A.490 Shoreline setbacks in the UI Environment</b></p> <p style="text-align: center;">***</p> <p>C. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UI Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as the site is provided.</u></p> <p><b>23.60A.510 Shoreline setbacks in the UM Environment</b></p> <p style="text-align: center;">***</p> <p>C. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UM Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as the site is provided.</u></p> <p><b>23.60A.575 Shoreline setbacks in the UR Environment</b></p> <p style="text-align: center;">***</p> <p>B. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UR Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within <del>((one mile of))</del><u>the same geographic area as the site is provided.</u></p> |
| 3. | Boat sales as a WD/WR use. |                        | <p>The Lake Union Association and counsel for several property owners and businesses around Lake Union and the Ship Canal expressed the concern that the proposed SMP does not clearly define large boat sales and rentals and small boat sales and rentals as water-dependent uses.</p> <p>The proposed amendment</p>                                                                                                                                                                                                                 | <p><b>23.60A.936 Definitions -- "S"</b></p> <p>"Sale and/or rental of large boats" means a marine retail sales and service use in which boats 30 feet or more in length are rented or sold. <u>If the use includes moorage for the boats being sold or rented, the use is water-dependent. If the use includes boats that are stored on the dry land portion of the site, the use is water-related.</u></p> <p>"Sale and rental of small boats, boat parts and accessories" means a marine sales and service use in which boats 30 feet or less in length are rented or sold, or 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 and includes “boat livery” uses where boats and accessories are rented or sold to the general public for use in adjacent waters. Boat liveries are a water-related use. Examples of goods rented or sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, and marine engines. <u>If the use includes moorage for the boats being sold or rented, the use is water-dependent. If the use includes boats that are stored on the dry land portion of the site, the use is water-related.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| #  | General Issue                                                                                | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|    |                                                                                              |                        | clarifies that large and small boats sales and rental are water-dependent uses, if the use includes moorage for the boats for sale.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4. | SMA use preferences and non water-dependent and water-related (WD/WR) uses in the shoreline. |                        | <p>See the discussion in #2 above for a description of the offset requirement.</p> <p>Counsel representing a variety of waterfront businesses and property owners have noted that strict interpretation of the proposed SMP might preclude non-water dependent uses that are subject to the offset from being located outside of the physical development that includes required water-dependent uses.</p> <p>The proposed amendment clarifies that a nonwater-dependent use must be located on the same site as a water-dependent use but does not have to part of the same physical development.</p> | <p><b>23.60A.382 Uses in the UC Environment</b> ***</p> <p>C. Limited commercial uses<br/> 4. Development that includes any of the uses listed in subsection 23.60A.382.C.1 that is not water-oriented shall be in a development <u>or on a site</u> that includes a water-dependent use that occupies an area equal to 50 percent of the surface of the site and complies with one of the following conditions or a combination of conditions if the Director determines the combination would achieve a similar offset for siting a use that is not water-oriented on a waterfront lot:</p> <p><b>23.60A.402 Uses in the UG Environment</b> ***</p> <p>A. Use Regulations<br/> 4. A commercial, institutional, or manufacturing use, other than a use required to be water-dependent or water-related, shall be water-oriented unless:<br/> a. Either<br/> 1) The applicant demonstrates the site is unsuited for water-oriented uses because it has limited or no water access; or<br/> 2) The use is in a development <u>or on a site</u> that includes a water-dependent use occupying 50 percent of the site; and</p> <p><b>23.60A.442 Uses in the UH Environment</b> ***</p> <p>B. Water-oriented and nonwater-oriented uses<br/> 1. Water-oriented uses<br/> b. The uses in subsection 23.60A.442.B.1.a that are nonwater-oriented are allowed on the dry land portion of waterfront lots if the use is part of a mixed use project that includes:<br/> 1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the project <u>or on the site</u>; and</p> <p>D. Food processing uses, nonwater-oriented community centers, and wholesale showrooms are allowed or allowed as a shoreline conditional use as follows:<br/> 4. Uses identified in subsections D.1, D.2, D.3 of Section 23.60.442 are required to:<br/> a. Be located on a site where a water-dependent use occupies 25 percent of the developed portion of the site; and</p> <p>F. Offices and child care facilities on waterfront lots are allowed if they comply with the following standards:<br/> 1. The use is part of a development that includes:<br/> a. <u>New or existing</u><del>((A))</del> water-dependent uses that <del>((occupies))</del><u>occupy</u> 25 percent of the developed portion of the lot; and</p> <p>H. Colleges, institutes for advanced studies, and vocational or fine art schools are:<br/> 1. Allowed if they are water-dependent or water-related;<br/> 2. Allowed as a shoreline conditional use if they are not water-dependent or water-related and the use is part of a development that includes:<br/> a. <u>New or existing</u><del>((A))</del> water-dependent uses that <del>((occupies))</del><u>occupy</u> 25 percent of the developed portion of the lot; and</p> <p>I. Light manufacturing<br/> 1. Light manufacturing is allowed if it is water-dependent or water-related.<br/> 2. Light manufacturing that is not water-dependent or water-related is allowed as a shoreline conditional use if:<br/> a. Light manufacturing uses occupy no more than 25 percent of the developed portion of the lot;<br/> b. The use is part of a development that includes:<br/> 1) <u>New or existing</u><del>((A))</del> water-dependent uses that <del>((occupies))</del><u>occupy</u> 25 percent of the developed portion of the lot; and</p> <p><b>23.60A.482 Uses in the UI Environment</b> ***</p> |

| #  | General Issue                                                                            | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                           | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|    |                                                                                          |                        |                                                                                                                                                                                                                                                                                                                                                                                      | <p>D. General commercial, storage and manufacturing uses</p> <p>1. The following uses are allowed if they are water-dependent or water-related or if the use is water-oriented and meet the standards of subsections 23.60A.482.C or 23.60A.482.G, or the standards of subsections 23.60A.482.D.2 through 23.60A.482.D.8; otherwise, these uses are prohibited:</p> <p>6. The use is part of a development <u>or on a site</u> that includes a water-dependent use; and</p> <p><b>23.60A.502 Uses in the UM Environment</b></p> <p style="text-align: center;">***</p> <p>D. General commercial, storage and manufacturing uses</p> <p>1. The following uses are allowed if water-dependent or water-related, or if the standards of subsections 23.60A.502.C. are met, or if the standards of subsections 23.60A.502.D.2 through 23.60A.502.D.7 are met; these uses are otherwise prohibited:</p> <p>5. The use is part of a development <u>or on a site</u> that includes a water-dependent use;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5. | Offset requirements for establishing or maintaining non-preferred uses in the shoreline. |                        | <p>Staff has identified some potential amendments that could clarify which uses require provision of an offset in the UC and UM Environments.</p> <p>The proposed amendments do not change substantive provisions. The amendments would add a list of uses subject to the offset and conform UC and UM Environment provisions to improve clarity and future Code administration.</p> | <p><b>23.60A.384 Uses allowed overwater in the UC Environment</b></p> <p>A. In addition to the uses allowed overwater in Section 23.60A.090, the <u>following uses</u> (<del>(in subsection 23.60A.384.B))</del> are allowed over water (<del>(on or in existing structures in the UC Environment))</del> <u>if the standards of subsection 23.60A.384.B are met:</u></p> <p><u>1. Commercial uses;</u><br/> <u>2. Entertainment uses;</u><br/> <u>3. Light and general manufacturing;</u><br/> <u>4. Colleges, vocational schools and institutes for advanced studies;</u><br/> <u>5. Passenger terminals;</u><br/> <u>6. Office uses, if accessory to a water-dependent or water-related use located on the same lot; and</u><br/> <u>7. Storage uses, if accessory to a water-dependent use and located on the same development site as such water-dependent use.</u><br/> <del>((the dry land lot depth is less than 35 feet, and there is no increase in overwater coverage and floor area and if:</del><br/> <del>1. The use is water dependent;</del><br/> <del>2. The use is water related and accessory to a water dependent use in the structure; or</del><br/> <del>3. The use is water related and has a functional requirement for a waterfront location, such as the arrival or shipment of less than 50 percent of product or materials by water, or the need for large quantities of water.))</del><br/> B. <del>((The following uses are allowed if the requirements of))</del> Standards required for the uses listed in subsection 23.60A.384.A are <del>((met))</del> <u>as follows:</u></p> <p><u>1. The dry land lot depth is less than 35 feet;</u><br/> <u>2. The location of the use on dry land is not reasonable;</u><br/> <u>3. The use is on or in an existing structure;</u><br/> <u>3. There is no increase in overwater coverage; and</u><br/> <u>4. The uses allowed under subsection 23.60A.384.A.1 through 4 shall be:</u><br/> <u>a. Water-dependent;</u><br/> <u>b. Water-related and accessory to a water-dependent use on or in the structure; or</u><br/> <u>c. Water-related and has a functional requirement for a waterfront location, such as the arrival or shipment of more than 50 percent of product or materials by water, or the need for large quantities of water.</u><br/> <del>((1. Commercial uses;</del><br/> <del>2. Entertainment uses;</del><br/> <del>3. Light and general manufacturing;</del><br/> <del>4. Storage uses, if accessory to a water dependent use and located on the same development site as such water dependent use;</del><br/> <del>5. Passenger terminals;</del><br/> <del>6. Office uses, if accessory to a water dependent or water related use located on the same lot; and</del><br/> <del>7. Colleges, vocational schools and institutes for advanced studies.))</del><br/> C. In addition to the uses allowed over water in Section 23.60A.090 <del>((and subsection 23.60A.384.B))</del>, if the following uses are not water-dependent or water-related, they are allowed as provided in subsection 23.60A.384.D:</p> <p>1. Eating and drinking establishments;<br/> 2. General sales and services;</p> |

| # | General Issue | Amendment Motion/ Vote | Discussion | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|   |               |                        |            | <p>3. Office uses;<br/> 4. Entertainment uses; and<br/> 5. Custom and craft work.</p> <p>D. Standards for uses over water</p> <p>1. The uses in 23.60A.384.C are allowed as follows:</p> <p>a. Over water on or in existing structures in the UC Environment if the dry land lot depth is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsections D.2 and D.3 of this Section 23.60A.384 are met; or</p> <p>b. As a shoreline conditional use over water on or in existing structures in the UC Environment if the dry land lot depth is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsection 23.60A.384.D.3 are met;</p> <p>2. A water-dependent or water-related use occupies the lowest floor level of the existing building or structure.</p> <p>3. Ecological restoration equivalent to the gross floor area of any new nonwater-dependent use is required within the same Geographic Area as the project.</p> <p><b>23.60A.504 Uses allowed overwater in the UM Environment</b></p> <p>A. In addition to uses allowed overwater in Section 23.60A.090, the following uses are allowed overwater if <del>((they are water dependent or water related and meet))</del> the standards of subsection 23.60A.504.B <u>are met</u>:</p> <p>1. Commercial uses;<br/> 2. Light and general manufacturing;<br/> 3. <u>Colleges, vocational schools and institutes for advanced study</u> <del>((Storage uses accessory to a water dependent use located on the same lot));</del><br/> 4. Passenger terminals;<br/> 5. Office uses accessory to a water-dependent or water-related use located on the same lot; and<br/> 6. <u>Storage uses accessory to a water-dependent use located on the same lot.</u> <del>((Colleges, vocational schools and institutes for advanced study))</del></p> <p>B. <u>Standards required for uses listed in</u> <del>((To be allowed under))</del> subsection 23.60A.504.A <del>((the following standards shall be met))</del> <u>are as follows</u>:</p> <p>1. The depth of the dry land area of the lot is less than 50 feet;<br/> 2. The location of the uses on dry land is not reasonable; <del>((and))</del><br/> <u>3. The use is on or in an existing structure;</u><br/> <del>((3))</del> <u>4. There is no increase in overwater coverage; and</u><br/> <u>5. The uses allowed under subsection 23.60A.504.A.1 through 4 shall be:</u><br/> <u>a. Water-dependent;</u><br/> <u>b. Water-related and accessory to a water-dependent use on or in the structure; or</u><br/> <u>c. Water-related and have a functional requirement for a waterfront location, such as the arrival or shipment of more than 50 percent of product or materials by water, or the need for large quantities of water.</u></p> <p>C. <u>In addition to the uses allowed overwater in Section 23.60A.090,</u> <del>((The))</del> the following uses are allowed over water if they are not water-dependent or water-related and if <del>((they meet))</del> the requirements of subsection 23.60A.504.D <u>are met</u>:</p> <p>1. Custom and craft work;<br/> 3. Storage uses, <u>except as allowed in subsection 23.60A.504.A;</u><br/> 5. Food processing; and<br/> 6. Light, general and heavy manufacturing, except the extraction and mining of raw materials.</p> <p>D. <u>Standards required for uses listed in</u> <del>((To be allowed under))</del> subsection 23.60A.504.C <del>((the following standards shall be met;))</del> <u>are as follows</u>:</p> <p><del>((1. The use is on or in an existing structure;))</del><br/> <del>((2))</del> 1. The dry land lot depth is less than 50 feet;<br/> <del>((3))</del> 2. The location of the use <del>((s))</del> on dry land is not reasonable;<br/> <u>3. The use is on or in an existing structure;</u><br/> 4. There is no increase in overwater coverage;<br/> 5. The total of all non water-dependent uses does not exceed 10 percent of the lot including submerged land; and<br/> 6. Ecological restoration in an amount equivalent in square footage to the gross floor area of any use that is not water-dependent or water-related is required within the same geographic area as the proposed project.</p> |

| #  | General Issue                                                            | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 6. | Large boat sales in the Conservancy Waterway (CW) Environment.           |                        | <p>The current and proposed SMP prohibit large boat sales in the Conservancy Waterway (CW) Environment.</p> <p>The Center for Wooden Boats has indicated that they sometimes received donated boats, which they sell on over the internet to support their mission. Transactions occur relatively quickly and boats are moored only on a temporary basis.</p> <p>This amendment would allow large boat sales in the CW Environment as a conditional use accessory to institutional uses abutting Lake Union and could benefit uses, such as the Center for Wooden Boats.</p> | <p><b>23.60A.310 Uses in the CW Environment</b></p> <p style="text-align: center;">***</p> <p>G. <u>Sale and rental of large boats</u></p> <p>1. Rental of large boats is allowed as a special use, <del>((, and the sale of large boats is prohibited.))</del></p> <p>2. The sale of large boats is allowed as a conditional use if:</p> <p>a. <u>The use is accessory to an institutional use promoting recreational activities on the water that is located on a waterfront lot abutting Lake Union;</u></p> <p>b. <u>No more than three boats for sale are moored on site at any one time; and</u></p> <p>c. <u>Each boat for sale is temporarily moored for no more than 90 days.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7. | Non WD/WR transportation uses in the Urban Harborfront (UH) Environment. |                        | <p>The proposed Shoreline Master Program (SMP) restricts passenger terminals in the Urban Harborfront (UH) Environment to terminals associated with water-dependent and water-related transportation facilities.</p> <p>This amendment would allow nonwater-dependent passenger terminals in the UH Environment when they are authorized by an agreement with the City for use of public rights-of-way and when other conditions are met to ensure no net loss of ecological function and no adverse impacts to water-dependent uses.</p> <p>Approval of the amendment</p>   | <p><b>23.60A.442 Uses in the UH Environment</b></p> <p style="text-align: center;">***</p> <p>Q. Passenger terminals</p> <p>1. Water-dependent and water-related passenger terminals are allowed.</p> <p>2. <u>Nonwater-dependent passenger terminals are allowed if part of a transportation system authorized under a franchise or other agreement approved by the City Council that meets the provisions in this Chapter 23.60A, for the part of the transportation system that is in the Shoreline District, except where a variance has been granted, and the Council has determined the route will:</u></p> <p>a. <u>Have the least possible adverse effect on unique or fragile shoreline features;</u></p> <p>b. <u>Not result in a net loss of shoreline ecological functions; and</u></p> <p>c. <u>Not adversely impact existing or planned water-dependent uses.</u></p> <p><del>((2))</del> 3. Queuing accessory to passenger terminals is allowed as follows:</p> <p>a. Queuing area that is accessory to a water-dependent passenger terminal, <u>nonwater-dependent passenger terminal allowed in subsection 23.60A.442.Q.2,</u> or a water-dependent cargo terminal located on the same lot is permitted. The Director, in consultation with the Director of the Department of Transportation, shall determine the amount of queuing area to be permitted on a lot based on the capacity and operation of vessels serving the water-dependent transportation facility.</p> <p>b. Queuing area is prohibited:</p> <p>1) Off-site over-water; or</p> <p>2) On a waterfront lot that is located west of the Alaskan Way South right-of-way, as platted at the date of this ordinance.</p> |

| #                                                                | General Issue                                                          | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                  |                                                                        |                        | would allow the opportunity for siting an aerial tram with a terminus on the waterfront.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Setbacks</b>                                                  |                                                                        |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8.                                                               | Location of non WD/WR uses in required setbacks in the UI Environment. |                        | <p>The proposed SMP distinguishes between the regulatory status of non-conforming uses and uses that might otherwise be non-conforming, but are allowed because they have met offset or other applicable standards.</p> <p>Generally, non-conforming uses may be maintained but may not expand. Non-conforming status can be a liability for an owner when dealing with lenders and insurers.</p> <p>The proposed amendment clarifies that standards for non-conforming uses do not apply to uses or structures that might otherwise be non-conforming, but are allowed because they have met offset or other applicable standards.</p> | <p><b>23.60A.124 Development nonconforming to development standards</b></p> <p style="text-align: center;">***</p> <p>B. Maintenance, repair, structural alteration, substantial improvement and replacement of development nonconforming to development standards shall conform to the development standards in Subchapter III, including Sections 23.60A.152 and 23.60A.158, and the standards for the shoreline environment in which the structure or development is located, in addition to the standards of this Section 23.60A.124. <u>Development in the UC, UG, UH, UI, UM, or UR Environments that is within the required shoreline setback and is not otherwise nonconforming to development standards is regulated by the standards of the applicable environment and not by this Section 23.60A.124.</u></p> <p style="text-align: center;">***</p> <p>D. <u>Development located over water or in setbacks</u></p> <p>1. <u>Except as provided in subsection 23.60A.124.D.2., ((A))a</u> development nonconforming to development standards because of its location over water, within the required shoreline setback, or within the residential shoreline setback may be maintained, repaired and structurally altered consistent with subsections 23.60A.124.F and 23.60A.124.G but is prohibited from being:</p> <p style="padding-left: 40px;">((+)a. Substantially improved except as provided in subsection 23.60A.124.I;</p> <p style="padding-left: 40px;">((2))b. Replaced, except as provided in subsection 23.60A.124.I; or</p> <p style="padding-left: 40px;">((3))c. Expanded in any manner that increases the extent of nonconformity or creates additional nonconformity, except as provided in subsections 23.60A.124.F and 23.60A.124.I, and as otherwise required by law, if necessary to improve access for the elderly or disabled, or to provide regulated public access.</p> <p>2. <u>The provisions of subsection 23.60A.124.D.1 do not apply to development in the UC, UG, UH, UI, UM, or UR Environments that is within the required shoreline setback and conforms to development regulations for locating over water and for residential shoreline setback. Such development is regulated by the standards of the applicable environment for development within the shoreline setback and by all other provisions of this Section 23.60A.124 with respect to any other nonconformity.</u></p> |
| 9.                                                               | Location of non WD/WR uses in required setbacks in the UI Environment. |                        | <p>The proposed SMP establishes a 35 foot setback for most structures in the Urban Residential (UR) Environment. Some structures, such as patios and pedestrian walkways, are allowed in the setback.</p> <p>The proposed amendment, identified by staff, clarifies the number of paths permitted for multifamily development.</p>                                                                                                                                                                                                                                                                                                      | <p><b>23.60A.575 Shoreline setbacks in the UR Environment</b></p> <p><b>Subsection 23.60A.575.A.1.b</b></p> <p>b. One pedestrian pathway per single-family dwelling unit or <u>for each 10 multifamily dwelling units</u>, limited to 3 feet wide <u>and</u> constructed of pervious surface.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>General Development Standards and Shoreline Modifications</b> |                                                                        |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| #                                       | General Issue                                               | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 10.                                     | Artificial reefs in the shoreline.                          |                        | <p>The proposed SMP establishes development standards for artificial reefs. The SMP currently regulates artificial reefs and diving areas by Environment and does not set out general development standards for reef construction.</p> <p>FutureWise has urged the Council to limit artificial reefs in fully functioning habitats because they can lead to habitat conversion that may lack the same ecological benefit.</p> <p>The proposed amendment would prohibit artificial reefs in intact, fully functioning habitats.</p>             | <p><b>23.60A.174 Standards for Artificial Reefs</b></p> <p style="text-align: center;">***</p> <p>B. <u>Artificial reefs shall not be located on or in intact, fully functioning in water habitats.</u></p> <p><del>(B)</del>C. Artificial reefs shall be marked with buoys and shall be located to avoid interference with navigation.</p> <p><del>(C)</del>D. Artificial reefs shall be designed for restoration and enhancement or for recreational purposes.</p> <p><del>(D)</del>E. Artificial reefs shall not contain toxic materials.</p> <p><del>(E)</del>F. Artificial reefs and construction related to them shall not adversely impact the stability of any slope on or off the site.</p> <p><del>(F)</del>G. Dredging and fill allowed as part of the installation of an artificial reef shall be the minimum necessary to accommodate the structure of the artificial reef, shall maintain slope stability, and shall comply with all standards for dredging and fill.</p> <p><del>(G)</del>H. Prior to permit issuance, applicants for artificial reefs shall demonstrate in writing that they have consulted with WDFW and Seattle Department of Parks and Recreation about the creation of a marine protection area surrounding the artificial reef.</p> <p><del>(H)</del>I. In applying mitigation sequencing pursuant to Section 23.60A.158, adverse impacts on ecological functions to be addressed include, but are not limited to: construction impacts; release of debris and other waste materials; release of nutrients, heavy metals, sulfides, organic materials, or toxic substances from materials used; modification of sediment flows; modification of shallow water habitat; loss or disturbance of food, shelter, spawning, and migration habitat; and loss or disturbance of fish runs, biological communities and biodiversity.</p> |
| 11.                                     | Standards for pesticide and herbicide use in the shoreline. |                        | <p>The proposed SMP contains standards for use of pesticides and fertilizers within 50 feet of the ordinary high water mark.</p> <p>FutureWise has urged the Council to strengthen language related to pesticide and herbicide use.</p> <p>The SMP update citizens advisory committee report recommends that the SMP contain direction to the DPD Director to promulgate by rule standards that prohibit or limit application of specific pesticides and fertilizers within the shoreline. The proposed amendment includes that direction.</p> | <p><b>23.60A.190 Standards for vegetation and impervious surface management</b></p> <p style="text-align: center;">***</p> <p>J. Application of pesticides and fertilizers in the Shoreline District</p> <p>1. Application of pesticides, herbicides, and fertilizers farther than 50 feet from the OHW mark is allowed without submitting an application if best management practices, are followed, except as provided in subsection 23.60A.190.J. 2. <u>The Director shall adopt a rule identifying best management practices including identifying pesticides, herbicides, and fertilizers that are prohibited due to impacts on ecological functions, using appropriate scientific and technical information as described in WAC 173-26-201(2)(a).</u></p> <p>2. Application of pesticides and fertilizers is prohibited in wetlands, riparian watercourses and other water bodies and within 50 feet of wetlands, riparian watercourses and other water bodies and waterward of the OHW mark of riparian watercourses and other water bodies, except as provided in subsection 23.60A.190.C.2.b.4 or as allowed by the Director for the following circumstances and if the allowed pesticide application is done by a licensed applicator:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>View Corridors and Public Access</b> |                                                             |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12.                                     | View                                                        |                        | The existing and proposed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>23.60A.170 Standards for view corridors</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| #                                                      | General Issue                                                                                                                                                                                       | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                        | <p>corridor requirements for multifamily residential uses on narrow waterfront lots.</p> <p>Parnes</p>                                                                                              |                        | <p>SMP contain standards to preserve views of the water. These standards also establish conditions under which DPD may waive view corridor requirements.</p> <p>A local architect has indicated that a strict interpretation of update language coupled with existing side setback standards for multifamily zones could severely limit the width of future structures in the multifamily zones in Leschi and Madison Park.</p> <p>The proposed amendment would add the circumstance of narrow lot width in multifamily zones to those that DPD may consider in determining whether to waive or modify view corridor requirements.</p> | <p style="text-align: center;">***</p> <p>C. Waiver or Modifications</p> <p>1. The Director may waive or modify the view corridor requirements if the applicant demonstrates that the intent to preserve views cannot be met by a strict application of the requirements or one of the following conditions applies:</p> <ul style="list-style-type: none"> <li>a. There is no available clear view of the water from the street;</li> <li>b. Existing development or topography effectively blocks any possible views from the street;</li> <li>c. The view corridor requirement would prohibit use of the lot for water-dependent shoreline uses or physical public access; <u>or</u></li> <li>d. <u>The lot width is 50 feet or less, and the lot is located in a multifamily zone.</u></li> </ul> <p>2. In determining whether to waive or modify the requirement, the Director shall consider the following factors:</p> <ul style="list-style-type: none"> <li>a. The direction of predominant views of the water;</li> <li>b. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;</li> <li>c. The availability of actual views of the water and the potential of the lot for providing those views from the street;</li> <li>d. The percent of the lot that would be devoted to a view corridor if the requirements were strictly applied;</li> <li>e. Extreme irregularity in the shape of the lot or the shoreline topography that precludes effective application of the requirements; and</li> <li>f. 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.</li> </ul>                                                                                                                         |
| <b>Other Clarification and Substantive Corrections</b> |                                                                                                                                                                                                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 13.                                                    | <p>Staff has identified errors and omission that are substantive enough that they cannot be addressed through a substitute and should be acted on directly to establish a clear Council record.</p> |                        | <p>The introduced legislation contained multiple drafting errors that based development standards for certain uses on the “arrival or shipment of <i>less</i> than 50 percent of product or materials by water.”</p> <p>The actual standards should be based on the “arrival or shipment of <i>more</i> than 50 percent of product or materials by water.”</p> <p>The proposed amendment corrects that error.</p>                                                                                                                                                                                                                      | <p><b>23.60A.160 Standards for priority habitat protection</b></p> <p>B.5. a. The provisions of this Section 23.60A.160 are waived for water-dependent development and uses, water-related development and uses that have a functional requirement for a waterfront location, such as the arrival or shipment of (<del>less</del>) <u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water, and shoreline modifications; and</p> <p><b>23.60A.236 Regulated public access in the CM Environment</b></p> <p>A.2. Development and uses that are:</p> <ul style="list-style-type: none"> <li>a. Not water-dependent except for uses that are water-related and have a functional requirement for a waterfront location, such as the arrival or shipment of (<del>less</del>)<u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water; and</li> </ul> <p><b>23.60A.294 Regulated public access in the CR Environment</b></p> <p>A.2. Development and uses that are:</p> <ul style="list-style-type: none"> <li>a. Not residential and not water-dependent; or</li> <li>b. Not water-related and have a functional requirement for a waterfront location, such as the arrival or shipment of (<del>less</del>)<u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water.</li> </ul> <p><b>23.60A.336 Regulated public access in the CW Environment</b></p> <p>A. Public access shall be provided and maintained on all dry land abutting waterways except where the dry land is being leased for a water-related use and the use has a functional requirement for a waterfront location, such as the arrival or shipment of (<del>less</del>)<u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water.</p> |

| #   | General Issue | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                          | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|     |               |                        |                                                                                                                                                                                                                     | <p><b>23.60A.384 Uses allowed overwater in the UC Environment</b><br/> A.3. The use is water-related and has a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water.</p> <p><b>23.60A.392 Regulated public access in the UC Environment</b><br/> A.1.b. Development and uses that are not water-dependent except for uses that are water-related and have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water;</p> <p><b>23.60A.394 View corridors in the UC Environment</b><br/> D. The required view corridor width shall be reduced to 25 percent of the width of the lot if water-dependent or water-related uses that have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water, occupy more than 40 percent of the dry land area of the lot.</p> <p><b>23.60A.414 Regulated public access in the UG Environment</b><br/> A.2. Development and uses that are not water-dependent, except<br/> a. Water-related uses that have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water; and</p> <p><b>23.60A.494 Regulated public access in the UI Environment</b><br/> A. 3. Development and uses that are not water-dependent, except<br/> a. Water-related uses that have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water; and</p> <p><b>23.60A.514 Regulated public access in the UM Environment</b><br/> A. 3. Development and uses that are not water-dependent, except<br/> a. Water-related uses that have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water; and</p> <p><b>23.60A.578 Regulated public access in the UR Environment</b><br/> A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments, except as modified by <u>this</u> subsection 23.60A.578.A:<br/> 1. Residential developments containing more than four units with more than 75 feet of shoreline, except if located on saltwater shorelines where public access from a street is available within 600 feet of the proposed development;<br/> 2. Uses on privately owned waterfront lots that abut Lake Union with a front lot line of less than 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, are not required to provide public access;<br/> 3. Marinas, except as provided in subsection 23.60A.200. D; and<br/> 4. Development and uses that are not water-dependent, or that are not water-related and have a functional requirement for a waterfront location, such as the arrival or shipment of <del>((less))</del><u>more</u> than 50 percent of product or materials by water, or the need for large quantities of water.</p> |
| 14. |               |                        | <p>The proposed SMP omitted a development standard that applies in the UC and UM Environment on Lake Union and Portage Bay from the development standards for the UC Environment.</p> <p>The proposed amendment</p> | <p><b>23.60A.396 Development between the Pierhead Line and the Construction Limit Line in the UC Environment in Lake Union and Portage Bay</b><br/> <u>Structures located between the Pierhead Line and the Construction Limit Line in Lake Union and Portage Bay are limited to piers and floats without accessory buildings, drydocks, and existing floating homes at existing floating home moorages.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| #   | General Issue | Amendment Motion/ Vote | Discussion                                                                                                                                                                                                                                                                                                                          | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|     |               |                        | corrects that omission.                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 15. |               |                        | <p>The SMP update includes redundant language for development standards for public access.</p> <p>The proposed amendment eliminates that redundancy.</p>                                                                                                                                                                            | <p><b>23.60A.164 Standards for regulated public access</b></p> <p>I. For shoreline development requiring more than one shoreline substantial development permit or extending for more than 1,000 linear feet of shoreline, regulated public access shall <del>((be required in the context of the entire project as follows:</del></p> <p><del>1. A shoreline development that requires more than one shoreline substantial development permit need not provide separate regulated public access for each permit, but regulated public access shall))</del> be provided in the context of the entire development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 16. |               |                        | <p>Although very strongly implied, the proposed SMP does not specify that proximity to the ordinary high water mark be considered by the Director in establishing procedures for evaluating ecological function.</p> <p>The proposed amendment makes that clear.</p>                                                                | <p><b>23.60A.027 Habitat Evaluation Procedures</b></p> <p>A. Director's Rule</p> <ol style="list-style-type: none"> <li>The Director by rule may establish procedures to evaluate ecological functions in the Shoreline District using a system of habitat units.</li> <li>In developing the Director's Rule, the Director shall consult with relevant state and federal regulatory agencies and include affected stakeholders.</li> </ol> <p>B. The procedures shall:</p> <ol style="list-style-type: none"> <li>Use appropriate scientific and technical information to determine, measure and/or quantify ecological functions; <u>including relative proximity to the ordinary high water mark</u>; and</li> <li>Determine the costs of restoration and enhancement actions of habitat units, using full cost accounting principles, including consideration of the following: project design, permitting, construction, monitoring, maintenance, adaptive management, long term stewardship (indexed to the rate of inflation), and land value.</li> </ol> <p>C. At least 30 days prior to the Department adopting the Director's Rule, the DPD shall present the rule to the City Council for review and comment.</p> <p>D. If ecological restoration is required as a development standard, the Director may authorize providing such ecological restoration through the equivalent number of habitat units, if habitat units have been developed for the location.</p> |
| 17. |               |                        | <p>The proposed SMP does not address how accessory dwelling units would be considered in determinations of how many piers or floats could be developed accessory to a residential use.</p> <p>The proposed amendment clarifies that accessory dwelling units do not count in determining the number of allowed accessory piers.</p> | <p><b>23.60A.187 Standards for piers and floats and overwater structures</b></p> <p style="text-align: center;">***</p> <p>C. Piers and floats for residential development</p> <ol style="list-style-type: none"> <li>Piers and floats are allowed as accessory uses for single-family and multi-family development on waterfront lots as set out in this subsection 23.60A.187.C and otherwise are prohibited. <u>For the purpose of this subsection 23.60A.187.C an accessory dwelling unit does not constitute an additional single-family or multi-family residence or dwelling unit.</u></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |