



**Legislative Department
Seattle City Council
Memorandum**

Administrative Correction made 12/12/12 to page 6.

Date: December 11, 2012

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

From: Rebecca Herzfeld and 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:

- Discusses issues related to floating residential uses, including:
 - A description of existing and proposed regulations for floating residential structures,
 - A proposed amendment with a simpler alternative for regulating vessels that are used as residences that would apply prospectively (See attachment A),
 - A proposed amendment requiring compliance by existing house barges with grey water containment requirements established through a 1992 amnesty program, and
 - Potential parameters for an amnesty for certain types of floating residential uses; and
- Sets out amendment language for remaining clarifying and substantive amendments (See Attachment B).

Floating residential uses

Background

The Council has received many comments about the proposed SMP regulations for living on the water in something that floats. One of the purposes of the State SMA is to preserve areas for water-dependent uses, ecological function, and public access. Single family residential uses, although not water-dependent, are also a preferred use, if they are sited on land; however, the majority of Seattle's shoreline zoned for residential use is already built out, and is priced at a premium when it is available. The SMA regulations prohibit new residential uses over water, unless there is a compelling reason that promotes SMA policies.

In addition, because the waterfront lots and overwater space available to water-dependent and water-related commercial and industrial is limited, it is critical to maintain this area for these uses. In the study prepared for DPD in 2009 titled "Comparison of Land Supply and Demand for Water-Dependent and Water-related Uses," the City's consultant found that "Occupancy among local marinas has generally remained high, particularly at close-in locations such as Lake Union and the Ship Canal...Cost increases and subsequent increases in moorage rates have driven some users out of the Seattle area." The consultant also found that the vacant land supply "falls well short of projected demand in Duwamish, Lake Union, Portage Bay, and Ship Canal. The increased demand in Portage Bay and Lake Union is primarily related to recreational moorage." SMP regulations are intended to ensure that there is room for uses that are water-dependent or water-related and that cannot be located outside the shoreline, such as moorage of vessels.

To reach this goal, and to comply with the state regulations implementing the SMA, the DPD proposal would prohibit residential use over water, except as a use of a conventional recreational vessel or certain commercial vessels. Below is a summary of the current and proposed regulations.

Floating homes

Current Regulations: There are approximately 480 floating homes in Seattle. Existing floating homes may be maintained, replaced, or relocated to another legal floating home moorage. Floating homes are defined in the SMP as residential uses. They are subject to many regulations, including ones that limit height, distance between residences, and float size. Floating homes must be connected to a sewer and require land use and building permits. Below are examples of existing floating homes.



Proposed Regulations: DPD is proposing to prohibit new floating homes, except in very limited circumstances. In addition, the proposed SMP update would create a new registration program for floating homes, authorize the DPD Director to establish floating home best management practices (BMPs) by rule, and simplify the regulations by combining the current standards for conforming and nonconforming floating homes and moorages.

Living on a vessel:

Current Regulations: As required by State law, Seattle's SMP defines a vessel exactly as it is defined in the Washington Administrative Code (WAC), Section 173-27-030(18), with the addition of a provision approved by the State Department of Ecology (DOE) for historic ships:

“Vessel” means ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships that do not have means of self-propulsion and steering equipment.

The crux of the definition is that a vessel is “designed and used for navigation.” Vessel size and construction are not regulated by City land use or building codes. However, the City does regulate the uses that may be located on vessels. Living on a vessel is currently a permitted use, although the Code does not define “live-aboard.” Since the current SMP was adopted in 1987, all marinas have been required to have restroom facilities and, if they are over a certain size, to provide sewage pumpout facilities. The SMP also has a general requirement prohibiting untreated effluents or liquid wastes from entering the water.

Proposed Regulations: DPD is proposing to update the City's requirements by including a minimum list of BMPs for marinas in the Code and stating that these BMPs must be included in moorage agreements. DPD is also proposing to add a requirement that marinas provide hygiene facilities based on the number of live-aboard slips. For this purpose, a new definition of “Live-aboard vessel” would be added to the Code as follows:

“a vessel that is used as a single-family dwelling unit for more than a total of 30 days in any 45 day period or more than a total of 90 days in any 365 day period; or the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. Marinas may define “live-aboard use” more narrowly than the above definition, but not more broadly.”

In addition, to reflect DPD's understanding of the Council's original intent in allowing a vessel to be used as a dwelling unit, DPD has proposed new standards in Section 23.60A.214 to limit residential use of a vessel to “conventional recreational and commercial vessels” that are used as dwelling units. These standards were developed based on advice from a naval engineer. The standards include setting a hull length to beam ratio, a sail area to hull plan ratio, and requirements for self-propulsion, design, and on-board systems. The proposed standards also state that the DPD Director may consider construction materials such as the use of stone exteriors and 2 inch by 4 inch framing in determining whether a structure is a vessel.

Because the public has commented that these new standards are too complicated and hard to understand, DPD is now proposing to simplify Section 23.60A.214 to describe “conventional recreational and commercial vessels” in a different way. The revisions are provided in Attachment A to this memo. The new proposal would delete most of the previously proposed criteria, and instead refer to types of recreational vessels, such as cabin cruisers, sailboats, sport

fishing boats, etc., and certain commercial vessels such as working tugboats certified by the United States Coast Guard, on which residential use would be permitted. The use of two types of vessels, houseboats and shanty boats, as dwelling units would not be permitted (however, this would not affect those who live on such vessels before the effective date of the revised SMP). The names of common manufacturers of the different types of boats would be cited in the Code to provide examples. The revised proposal also lists the following features for the DPD Director to consider when determining vessel type: 1) hull shape; 2) deck gear; 3) the propulsion and steering system; and 4) helm station design.

Below: Nordic Tug 42 and a Hinckley SW52 sailboat, which could lawfully be used as dwelling units.



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The photographs on the following page, an Atkins & Company Huckleberry Finn model (top photograph) and a Harbormaster 2000 Pilot Houseboat (lower photograph) are examples of houseboats on which dwelling units would not be permitted.



This proposed change would remove the focus of the determination from whether a structure is a vessel designed and used for navigation and simplify determining when a floating residence is lawful by narrowing the category of vessels that may be used as dwelling units. Providing examples of allowed and prohibited vessels should make the standards clearer and easier to understand than the proposal that DPD initially submitted to the Council.

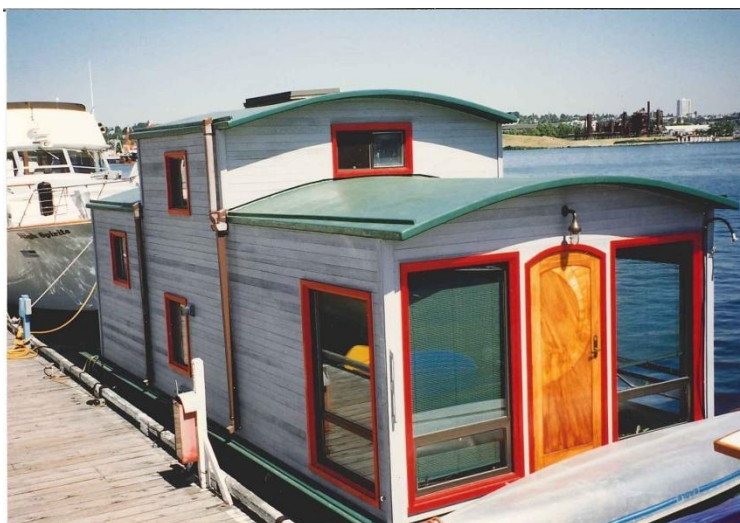
The proposed standards would not be applied retroactively to existing floating residences. The current broad definition of a vessel would be used to determine whether such structures are legal. However, if an existing structure is determined to be a vessel, but it does not meet the proposed new standards, the residential use as a dwelling unit would become a nonconforming use (the vessel itself is still completely lawful, as a vessel). Nonconforming uses cannot be expanded or extended, except to improve access for the elderly and disabled. They may be moved to a different legal moorage location, and may be rebuilt in case of fire or other act of nature. If such vessels ceased to be used as a dwelling unit, then they would be conforming and no restrictions would apply.

Committee decision:

House Barges:

Current Regulations: The current code defines a house barge as “a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability.” This definition was added to the Code in January, 1992 by Ordinance 116051. Before January 1992, the SMP required floating structures and vessels without self propulsion and steering equipment used as residences to comply with floating home regulations.

The Council decided to allow those house barges that had been located in Seattle as of June 1990 to be legalized in a two-step process. This date was chosen because it was in spring of 1990 that the City received complaints that several marinas on the Ship Canal and Lake Union were allowing illegal moorage of house barges, and notified the barge owners. The house barge provisions were amended in September 1992 by Ordinance 116328 to add revisions suggested by DOE to prohibit the discharge of wastewater. The City eventually found that 34 of these house barges were vessels lacking self-propulsion and steering equipment and were not compliant with floating home regulations, and therefore were illegal. Below are photographs of three house barges.





The first step toward legalization was for the owner to obtain a permit by demonstrating that the house barge did not discharge sewage (also known as “black water”) into the water. The second step was that within three years the owners had to renew this initial permit after demonstrating that they had sealed all overboard drains for wastewater (also known as “gray water”), and had a method for conveying gray water to a disposal facility. The owners could ask for an exception to this requirement if they provided a detailed plan to control and minimize gray water discharge, and the plan was approved by the DPD Director in consultation with DOE. Thirty-four house barges registered under this amnesty program. DPD only has records for two of the house barges either receiving an exception or hooking up to a sewer. Most house barge owners appear to be discharging gray water overboard and using BMPs to address the amount and quality of the gray water.

Proposed Regulations: DPD has not proposed any changes to the regulations that apply to the 34 house barges that were legalized in the 1990's. As is now the case, no new house barges would be permitted.

Gray water discharge from existing house barges

As described above in section B3, most of the house barges that were permitted in the 1990's have not stopped discharging gray water. Councilmember Conlin is proposing an amendment that would require the owners of existing house barges to meet the original provisions adopted in Ordinance 116328, and either stop discharging gray water into the lake, or request an exception, as described in B3 above. The proposed amendment is as follows, with proposed new language underlined:

23.60A.204 House barge compliance

B. For purposes of this Chapter 23.60A, house barges are only permitted under the following conditions:

1. House barge permits

a. A permit for the house barge, which is transferable between owners but not transferable to another house barge, has been secured from the Department of Planning and Development verifying that the house barge existed and was used for residential purposes within the City in June 1990 and continuously thereafter as provided in subsection 23.60A.204.C.2.

b. House barges not within the City and moored at a recreational marina before July 1990 are prohibited.

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

3. Permits

a. The initial permit is effective for three years. At the expiration of three years, the permit may be renewed at the request of the owner, provided it is demonstrated, consistent with state water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility has been provided.

b. The Director, after consultation with Ecology (Northwest Regional Office) water quality staff, may grant an exception to the requirement in subsection 23.60A.204.3.a based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater. In such cases, the Director at the time of permit renewal, shall implement the plan by attaching conditions to the permit that limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods.

c. Compliance with conditions

1) Within 120 days of the effective date of this ordinance holders of initial permits issued under subsection 23.60A.204.B.1.a shall demonstrate to the Director that a renewal permit has been issued under either subsection 23.60A.204.B.3.a or b or shall apply to the Department for a renewal permit under those subsections.

2) The absence of a record of a permit renewal in the Department's permit archives is prima facie evidence that a renewal permit was not issued.

3) In determining the feasibility of measures to control and minimize overboard discharge of wastewater under subsection 23.60A.204.B.3.b, the Director shall consider the factors set out in conditions 1 and 2 of the definition of "feasible" in Section 23.60A.912 and in addition

shall consider the value of the house barge, the cost of implementing measures to control and minimize overboard discharge of wastewater, and the value of the house barge with wastewater controls.

4) The permit establishing the house barge use shall be rescinded, and the house barge shall be prohibited from relocating in Seattle waters if:

a) The permit holder does not timely comply with subsection 23.60A.204.B.3.c.1; or

b) The Department determines that a house barge is not in compliance with subsection 23.60A.204.B.2 or the conditions of a renewal permit issued under subsection 23.60A.204.B.3.a or b and the deficiency is not cured within 30 days.

5) Permit holders shall pay a fee to the Department commensurate with the cost to the Department of reviewing the submissions to comply with this subsection 23.60A.204.B.3.c

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* * *

Committee decision:

Proposed Amnesty Program

Since 1990, many floating structures have appeared on the water that are being used as residences. DPD staff estimates that there are about 150 structures that may not fit into any of the legal categories that permit residential use over water. Many of them look like floating homes, but they are not moored at legal floating home locations, are not connected to a sewer, and often have attached outboard motors and alleged steering capability. Because their owner represented them as being as vessels, which do not need building permits or other City authorization, DPD has not been required to determine through the permit process whether these structures are vessels designed and used for navigation. The legal status of these structures cannot be determined without a case-by-case review, through the code interpretation process or the enforcement process. DPD currently has one case set for trial and will issue five Notices of Violation this week. Below and on the next page are examples of floating residential structures described by the owner as a vessel. The motor on the gray residence below is visible in the photograph at the top of the next page.





What happens to residential floating structures that may or may not be legal vessels?

Currently, the owner of such a structure can request a code interpretation from DPD to get an official opinion on whether or not their structure is a vessel as defined by the current SMP (not pursuant to the proposed requirement that it be a conventional recreational vessel, or conventional commercial tugboat or fishing vessel). The fee for an interpretation is \$2,500 for the first ten hours of review, and \$250 per hour after that if more review is necessary. Interpretations may be appealed to the City's Hearing Examiner for an \$85 fee. If DPD finds that the structure is not a vessel, and this decision is upheld if there is an appeal, the structure is illegal and must be removed from Seattle waters or be converted to a floating home, if it can meet the floating home standards and the Building Code.

DPD also determines whether a structure is a vessel if there is a complaint about its legality. In such cases DPD staff will investigate, and if it is determined that the structure is not a vessel, DPD will issue a Notice of Violation (NOV) requiring that the structure be removed, and enforcement will be carried out through the City's enforcement process in Municipal Court.

Outline of proposed amnesty program

Councilmembers O'Brien, Licata, and Clark are proposing to amend the SMP to legalize existing residential floating structures that are illegal because they do not meet the current WAC-required definition of a vessel, are not floating homes, and are not house barges that were in the City prior to June 1990 (the cutoff date for the last amnesty). Such an amnesty program would establish conditions that must be met before a floating residential structure could be legalized. Staff has developed the following draft proposal for such an amnesty program:

- A. In order to qualify for the amnesty program, a residential floating structure must have been moored at a legally established recreational or commercial marina on or before September 17, 2012, which is the date that the proposed SMP legislation was introduced at the City Council.
- B. In order to take advantage of the amnesty program, the owners of floating residential structures would need to apply to DPD for amnesty within 90 days of the effective date of the SMP revisions. The Council would establish a fee for DPD review of this permit.
- C. During the 90-day period, if the owner applies to DPD for a code interpretation to determine whether their structure is a vessel, the time it takes to resolve the interpretation would not count towards the 90-day period for applying for amnesty.
- D. An illegal structure could be legalized if it meets the following conditions:
 - For purposes of fire safety, the structure should not block the entrance or exit of vessels and other structures at the moorage; the marina must have adequate fire suppression equipment; and similar to floating homes, the structure must be at least six feet from vessels and other floating residential structures;
 - The maximum height of the structure is 18 feet (this is the permitted height for a floating home);
 - The structure must be moored at a recreational marina, and marina BMP requirements must be met, including proper disposal of sewage;
 - The maximum size of the structure is no greater than 600 square feet, and no floor is greater than 300 square feet (staff estimates that this is similar to the size of the house barges that were legalized in the 1990s);
 - Mitigation of the impacts to ecological functions would be required, according Section 23.60A.158. These standards apply to all development that impacts ecological functions. This could be accomplished by planting vegetation on the shoreline, removing debris from the lake bottom, removing a derelict over-water structure from another site, or contributing to a fee-in-lieu program.
 - Similar to floating homes, no accessory floating structures would be permitted, and the structure could not block the view from the waterward end of the pier; and
 - No gray water could be discharged into the water from the structure, or the owner must provide a plan with a feasible method for preventing such discharge, with a budget estimate and a timeline for carrying out the plan within one year. If the

owner submits such a plan, the application for amnesty would not be approved until the plan is timely implemented and the results inspected by DPD.

E. If DPD determines that the conditions listed above are met, the owner would be issued a permit to establish a residential floating structure. As was the case for house barges, such permits would apply only to that specific structure, and could not be sold to the owner of another structure. Display of the permit number on the structure would be required.

F. Legalized residential floating structures would be considered nonconforming, and could not be expanded or extended, except to improve access to the elderly or disabled. They could be relocated to a different legal moorage location, but if removed from Seattle waters for more than six months, the permit would be rescinded and the structure could not return. Changing the use of such a structure to a different nonconforming use would not be permitted.

Administrative costs

If the Committee is interested in creating an amnesty program for illegal floating residential structures, additional funding to administer the program would be required. The costs to DPD of reviewing applications, determining the feasibility of preventing gray water discharge (including experts), inspections, and issuing permit numbers could be recovered by fees. The General Subfund would need to support enforcement costs, such as shoreline inspection and retaining a naval architect or engineer to act as an expert advisor to DPD and a potential witness in enforcement cases. DPD currently has one part-time shoreline inspector for the entire city, and the Director of the DPD Code Compliance Division estimates that an amnesty program would require an additional 0.6 FTE for at least two years. Additional staffing in the Land Use Section of the Law Department might also be necessary. If the Committee moves forward with an amnesty program, staff will work with DPD and Law to provide a more detailed budget proposal.

Attachment A: Proposed DPD changes to regulations for using vessels as dwelling units
Language proposed to be added to the substitute bill approved by the PLUS Committee on December 3, 2012 is shown underlined, and deleted wording is shown crossed out in double parentheses.

23.60A.214 Standards for using vessels as dwelling units

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B, or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit ~~((if))~~ according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled and shall:

a. ~~((if is-))~~ Be designed primarily as a conventional recreational vessel as set out in this subsection 23.60A.214.B.1 as follows:

1) A sail boat, such as those manufactured by Catalina, Pacific Seacraft, Hunter, or Hinckley.

2) A cabin cruiser, such as those manufactured by Bayliner or Cris Craft;

3) A trawler yacht, such as those manufactured by Grand Banks, Nordic or Choy Lee;

4) A tug, such as those manufactured by Nordic Tug or Ranger Tugs;

5) A motor yacht cruiser, such as those manufactured by Bayliner, Sea Ray and Carver;

6) A multi-hulled power boat, such as those manufactured by World Cat;

7) A sport fishing boat, such as those manufactured by Glacier Bay, Grady White and Boston Whaler; and

8) Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats; or

b. Be designed primarily as a commercial vessel and is a United States Coast Guard certified working tugboat; or

c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency.

2. The vessel is safely operable and operates under self-propulsion integrated into the hull and steerage that is sufficient to reasonably move the vessel.

3. ~~((or commercial vessel, and it))~~ The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for conventional recreational ~~((or commercial))~~ vessels used as dwelling units. In considering whether a vessel meets the design standards in subsection 23.60A.214.B.1.a the following configuration and features shall be considered:

1. Hull shape: clearly defined bow, hull shaped to reduce resistance;
2. Deck gear: cleats, chocks, anchors, scuppers, bulwarks
3. Propulsion & steering system: inboard engine & transmission with propeller & rudder or inboard/outboard drive system.
4. Helm station: layout of control & monitoring systems, visibility for safe navigation.

~~((1. For the purpose of this Section 23.60A.214, to be designed as a conventional recreational or commercial vessel the vessel shall be designed and used for navigation and shall meet the following standards:~~

~~a. The vessel shall comply with the Sail Area to Hull Plan Area Ratio (SA/HPR) pursuant to Table A for 23.60A.214 and the Hull Length to Beam Ratio (HL/B) pursuant to Table B for 23.60A.214.~~

Table A for 23.60A.214 Standards for vessels used as dwelling units	
Sail Area/Hull Plan Ratio	Requirements
<0.90	Allowable
≥0.90	Not Allowed (Except allowable if previously, actively engaged in recorded, regular, self propelled navigation prior to moorage.)

Table B for 23.60A.21 Standards for vessels used as dwelling units	
Hull Length/Beam Ratio	Requirements
≥3	Allowable
<3	Not allowed (Except allowable if previously, actively engaged in recorded, regular, self propelled navigation prior to moorage.)

~~((b. The vessel shall:))~~

~~1) Operate under self propulsion integrated into the hull and steerage;~~

~~2) Have stations fore and aft and both sides for line handling;~~

~~3) Have embarkation stations to allow boarding from both sides;~~

~~4) Have mooring hardware to allow mooring from both sides to a pier;~~

~~5) Have design features that prevent water from waves from entering the interior of the vessel such as bulwarks, raised door sills or weathertight doors meeting standards of the U.S. Coast Guard;~~

~~6) Have navigation, safety and sanitary systems operational while underway; and~~

~~7) If the vessel is a displacement vessel over 30 feet in length, the primary means of self propulsion is an inboard or inboard/outboard propulsion system installed per American Boat and Yacht Council safety standards.~~

~~2. For the purpose of this Section 23.60A.214, in determining whether a floating structure is a conventional recreational or commercial vessel, in addition to any other information, the Director may consider the presence or absence of design elements and construction materials generally used in conventional vessel design and construction, including but not limited to, the use of design elements and construction materials typically used for conventional residential structures, such as exterior materials made of stone and interior construction using 2 inch by 4 inch stud framing. The Director may also consider whether the arrival of the floating structure at its moorage location was made without assistance.))~~

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.

2. To be a vessel it shall be designed and used for navigation and ~~((shall))~~ not interfere with the normal public use of the water.

3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

Attachment B –Remaining Clarifying and Substantive Amendments

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
Shoreline Uses			
1.		<p><i>Clarify definition of Marine Service Station</i></p> <p>Staff has identified an amendment to clarify that marine service stations must provide fuel to boats in the water.</p> <p>The proposed amendment would close a potential loophole in the proposed SMP that could allow a service station for automobiles to locate in a shoreline environment where it would not otherwise be a allowed use.</p>	<p>23.60A.926 Definitions – “M”</p> <p>***</p> <p>"Marine service station" means a marine sales and service use in which fuel for boats is sold <u>to boats in the water((s))</u> and in which accessory uses, including but not limited to towing or minor vessel repair, may also be provided.</p> <p>***</p>
2.		<p><i>Offset Calculations for Occasional Nonwater-Dependent Use of Cruise Ship Passenger Terminals</i></p> <p>Portions of the cruise ship facility at Pier 91 is sometimes used by the Port of Seattle as event space. However, use as event space is discursive.</p> <p>Generally, the SMP update disfavors entertainment uses in the Urban Industrial (UI) Environment except in limited circumstances and only when an ecological offset is provided.</p> <p>The proposed amendment addresses how the offset for occasional use of cruise ship passenger terminals would be calculated.</p>	<p>23.60A.482 Uses in the UI Environment</p> <p>***</p> <p>E. Entertainment Uses</p> <p>***</p> <p>2. Entertainment uses are allowed ((as a shoreline conditional use))in existing buildings at passenger terminals for cruise ships if <u>all of the following standards are met</u>:</p> <p>a. The use does not increase conflicts with water-dependent and water-related uses on the site beyond that created by the passenger terminal use;</p> <p>b. Ecological restoration <u>is provided as a onetime condition as follows, except as set out in subsection 23.60A.482.2.b.4:</u></p> <p>1) ((i))<u>In an amount equivalent in square footage to the gross floor area of the ((nonwater-oriented))entertainment use ((is provided)) within the same geographic area as the proposed project.</u></p> <p>2) <u>If the entertainment use occurs fewer than 365 days per year, the amount of ecological restoration shall be prorated by the number of days per year the entertainment use occurs.</u></p> <p>3) <u>The area used to calculate the ecological restoration shall be the maximum area used for any one event; and</u></p> <p>4) <u>If the number of days used for the entertainment use increases from the original permit, the - additional number of days shall be subject to an additional permit, and ecological restoration shall be provided based on the additional days the site is used per year; and</u></p> <p>c. The entertainment use does not include adult cabaret, adult motion picture theaters and adult panorams.</p> <p>***</p>
3.		<p><i>Clarify When Uses Allowed in the Shoreline Setback Are Not Regulated as Nonconforming</i></p> <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</p>	<p>23.60A.122 Nonconforming uses</p> <p>A. Nonconforming uses</p> <p>***</p> <p><u>4.Existing uses in the UC, UG, UH, UI, UM, or UR Environments that are within the required shoreline setback and are not otherwise nonconforming to use regulations are regulated by the standards of the applicable environment and not by this Section 23.60A.122.</u></p> <p>23.60A.390 Shoreline setbacks in the UC Environment</p> <p>***</p> <p>D. Existing structures <u>and uses</u> 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 the same</p> <p>23.60A.410 Shoreline setbacks in the UG Environment</p> <p>***</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
		applicable standards.	<p>B. Existing structures <u>and uses</u> 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 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 the same geographic area as the site is provided</p> <p>23.60A.450 Shoreline and side setbacks in the UH Environment</p> <p>***</p> <p>C. Existing structures <u>and uses</u> 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 an area of ecological restoration, equivalent to the footprint of the structure located in the shoreline setback, within the Shoreline District within the same geographic area as the site is provided.</p> <p>23.60A.490 Shoreline setbacks in the UI Environment</p> <p>***</p> <p>C. Existing structures <u>and uses</u> 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 <u>the same geographic area as</u> the site is provided.</p> <p>23.60A.510 Shoreline setbacks in the UM Environment</p> <p>***</p> <p>C. Existing structures <u>and uses</u> 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 the same geographic area as the site is provided.</p> <p>23.60A.575 Shoreline setbacks in the UR Environment</p> <p>***</p> <p>B. Existing structures <u>and uses</u> 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 the same geographic area as the site is provided.</p>
4.		<p><i>Clarify that Nonconforming Uses on Vessels May Not Convert to Another Nonconforming Use</i></p> <p>The proposed SMP establishes that a nonconforming use may change to another nonconforming use through a shoreline conditional use process.</p> <p>The proposed amendment, identified by staff, clarifies that this process would not apply to uses on vessels.</p>	<p>23.60A.122 Nonconforming uses</p> <p>***</p> <p>D. Change of one nonconforming use for another nonconforming use</p> <p>***</p> <p>3. The new use shall retain its nonconforming use status for the purposes of subsections 23.60A.122.A through 23.60A.122.D((-)); <u>and</u></p> <p>4. <u>This subsection 23.60A.122.D does not apply to uses on vessels.</u></p> <p>***</p>
5.		<p><i>Nonwater-oriented Office Uses in the Urban Maritime (UM) Environment</i></p> <p>The proposed SMP allows certain nonwater-oriented uses that may benefit water-oriented uses to locate in the UM Environment. Location of these uses supports water-dependent uses by improving the economic viability of developments with water-dependent uses.</p>	<p>23.60A.502 Uses in the UM Environment</p> <p>***</p> <p><u>E. Nonwater-oriented office uses in existing buildings. Nonwater-oriented office uses are allowed in a building existing on January 1, 2013, if:</u></p> <p>1. <u>The use is part of a development that includes a water-dependent use and is located on the same legal lot as the water-dependent use; and</u></p> <p>2. <u>Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is</u></p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
		<p>This amendment would expand circumstances for allowing nonwater dependent office uses in the UM Environment to include location of non-water dependent office in buildings existing as of January 2013 that are part of a development with a water-dependent use provided that the offset of ecological restoration is provided.</p> <p>Among others, the amendment would benefit Aleutian Spray Seafoods, which owns a facility along Northlake Way in Lake Union</p>	<p><u>provided within the same geographic area as the proposed project.</u></p> <p>***</p> <p>[Reletter remaining subsection]</p>
6.		<p><i>Residential uses on the Lowest Floor Level in an Area of the Urban Commercial (UC) Environment</i></p> <p>The proposed SMP update would allow new or expanded residential uses as a conditional use in the UC Environment. Conditions of the use include location above the lowest floor except in certain areas.</p> <p>This amendment would slightly expand the area where new or expanded residential uses could be located on the lowest floor to include an area of Leschi generally located in the vicinity of Leschi Park on Lakeside Avenue.</p>	<p>23.60A.382 Uses in the UC Environment</p> <p>***</p> <p>D. Artist studio/dwellings, multifamily structures, and single-family dwelling Units</p> <p>***</p> <p>4. New or expanded artist studio/dwellings, multifamily structures, and single-family dwelling units on dry land on waterfront lots are allowed as a shoreline conditional use if:</p> <p>a. The use is not located near uses that are incompatible with residential use because of factors such as noise or air and water pollutants;</p> <p>b. The use is located above <u>the</u> lowest floor level of a structure containing nonresidential uses at the lowest floor level, as calculated in subsection 23.60A.382.E, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street <u>and single-family and townhouse residences along Lakeside Avenue between S. Leschi Place and Lake Washington Boulevard</u> may be located at the lowest floor level <u>regardless of the location of nonresidential uses in the structure</u>;</p> <p>c. The use is on a lot developed with or on a lot abutting another lot developed with <u>a marina use, moorage use or a</u> residential use on waterfront lots other than a caretaker’s quarters; and</p> <p>d. Siting the use on the lot does not render the lot unsuitable for water-dependent or water-related uses if the lot was otherwise suitable for those uses based on the following characteristics:</p> <p>1) Existing piers or other structures suitable for use by a water-dependent use;</p> <p>2) Adequate amounts of submerged and dry lands; and</p> <p>3) Adequate water depth and land slope.</p>
Shoreline Setbacks			
7.		<p><i>Clarify Use and Setback Requirements for the Urban Industrial (UI) and Urban Commercial (UC) Environments</i></p> <p>A coalition of industrial business and property owners have indicated that proposed setbacks in the UI and UM Environments and limitations on principal and accessory uses in the setbacks could have unintended consequences for future expansions and renovations of existing water-related and water-dependent industrial uses.</p> <p>The proposed amendment lists uses that can be located in the setback and sets out the conditions under which accessory uses can be located in the setback in the UI and UM Environments.</p>	<p>23.60A.167 Standards for shoreline setbacks</p> <p>A. The shoreline setback for each shoreline environment is the setback established in the standards for that environment.</p> <p>B. In the CP Environment no development, use, or shoreline modification is allowed within the shoreline setback except as allowed in Section 23.60A.258.</p> <p>C. In addition to shoreline setbacks required in this Section 23.60A.167, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in subsection 23.60A.206.B.3.</p> <p>D. In all shoreline environments except the CP Environment, no development, use, or shoreline modification is allowed within the shoreline setback except as follows:</p> <p>1. The development, shoreline modifications and uses allowed in the shoreline setback standards for each environment.</p> <p>2. The minimum necessary for constructing and operating the following development, uses, and shoreline modifications, if allowed, allowed as a special use or allowed as a shoreline conditional use in the applicable shoreline environment and the minimum necessary access to them:</p> <p>a. Uses allowed, allowed as a special use or allowed as a shoreline conditional use overwater in the applicable shoreline environment;</p> <p>b. Shoreline modifications <u>not listed in subsection 23.60A.167(D)(3);</u> ((c. Water dependent uses to the extent they functionally need to be in the setback;)) ((d))c. Over-water components of a water-dependent or water-related use;</p>

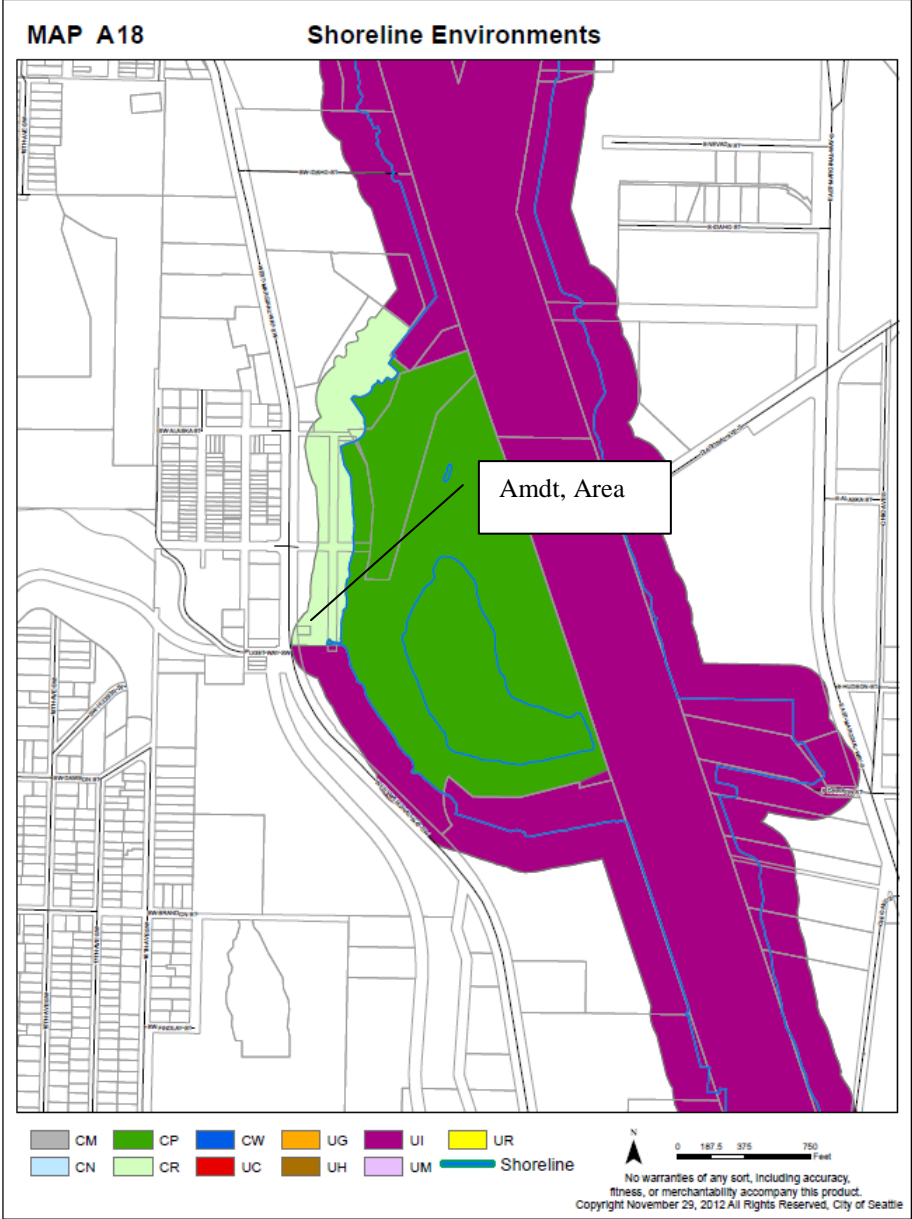
#	Amendment Motion/ Vote	Discussion	Proposed Amendment
			<p>((e))d. Bridges and tunnels; ((f))e. Streets; ((g))f. Utility lines necessary to serve development and uses allowed in the setback or over water; ((h))g. Research, aquatic, scientific, historic, cultural and educational uses pursuant to Section 23.60A.210; ((i))h. Features that better accommodate nearshore habitat improvements, such as increasing daylighting; and ((j))i. Nonconforming uses <u>and development</u> ((approved by the Director pursuant to)) <u>authorized under Section 23.60A.((124))122 or Section 23.60A.124.</u></p> <p>3. <u>The following development, uses, and shoreline modifications, if allowed, allowed as a special use or allowed as a shoreline conditional use in the applicable shoreline environment and the minimum necessary access to them:</u></p> <p>a. <u>Piers;</u> b. <u>Dry docks;</u> c. <u>Equipment used for boat launching and landing;</u> d. <u>Structures and equipment for loading and unloading material or product to or from water-borne equipment and vessels;</u> e. <u>Structures used to operate or control water-borne equipment or vessels;</u> f. <u>Structures and equipment for loading and unloading passengers, baggage and supplies;</u> g. <u>Fabrication buildings used for constructing or repairing large vessels;</u> h. <u>Marine service station, if fuel is sold to boats in the water;</u> i. <u>Existing pumping systems for fire safety, dock-water, and stormwater control.</u> j. <u>Pipes used to carry treated sewage to the water;</u> k. <u>Waste pump-out equipment;</u> l. <u>Spill clean-up equipment; and</u> m. <u>Other water-dependent uses to the extent they functionally need to be in the setback.</u></p> <p>4. <u>Constructing and operating the following shoreline parks and open space development, uses, and shoreline modifications if allowed, allowed as a special use or allowed as a shoreline conditional use in the applicable shoreline environment:</u></p> <p>a. <u>Swimming beaches and the minimum necessary for access to them;</u> b. <u>The minimum necessary for fishing piers, hand carried boat launches, motorized boat launch areas and the minimum necessary access to them;</u> c. <u>The minimum necessary for access to underwater diving areas; and</u> d. <u>The minimum necessary for non-motorized boat landing areas.</u></p> <p>((4))5. <u>More than 5 feet landward of the OHW mark for fences and freestanding walls accessory to residences that are not shoreline modifications, if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the fences and freestanding walls.</u></p> <p>((5))6. <u>More than 15 feet landward of the OHW mark, the minimum necessary for:</u></p> <p>a. <u>Viewpoints accessory to a parks and open space use allowed, allowed as a special use or allowed as a shoreline conditional use in the applicable shoreline environment and spur trails to access the viewpoints; and</u> b. <u>Viewpoints for required public access in all Urban shoreline environments and in the CW Environment and spur trails to access such viewpoints.</u></p> <p>6. <u>More than 20 feet landward of the OHW mark, the minimum necessary for the following shoreline parks and open space uses in all Urban shoreline environments and in the CM Environment: natural athletic fields with no lighting, bath houses, concession stands, pavilions, seating, bicycle and pedestrian paths and the minimum necessary access to these uses</u></p> <p>23.60A.490 Shoreline setbacks in the UI Environment</p> <p>A. A shoreline setback of 35 feet from the OHW mark is required for uses that are not water-dependent or water-related. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 <u>and subsection 23.60A.490.C.</u></p> <p>B. A shoreline setback of 15 feet from the OHW mark is required for water-dependent or water-related uses. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 <u>and subsection 23.60A.490.C.</u></p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
			<p><u>C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.490.C.1 or 2 exist and the applicant complies with subsection 23.60A.490.C.3:</u></p> <p><u>1. The structure is used for a facility that is 75% a water dependent use and larger than 5 acres and:</u></p> <p><u>a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and</u></p> <p><u>b.) An existing building on the site of equal to overall size within setback is removed.</u></p> <p><u>2. The new structure is located on a portion of the site where water access is not possible for the water-dependent use.</u></p> <p><u>3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure within the same geographic area as the proposed project.</u></p> <p>((€))D. 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 the same geographic area as the site is provided.</p> <p>23.60A.510 Shoreline setbacks in the UM Environment</p> <p>A. A shoreline setback of 35 feet from the OHW mark is required for uses that are not water-dependent or water-related. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 <u>and subsection 23.60A.510.C.</u></p> <p>B. A shoreline setback of 15 feet from the OHW mark is required for water-dependent or water-related uses. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 <u>and subsection 23.60A.510.C.</u></p> <p><u>C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.510.C.1 or 2 exist and the applicant complies with subsection 23.60A.510.C.3:</u></p> <p><u>1. The structure is used for a facility that is 75% a water dependent use and larger than 5 acres and:</u></p> <p><u>a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and</u></p> <p><u>b.) An existing building on the site of equal to overall size within setback is removed.</u></p> <p><u>2. The new structure is located on a portion of the site where water access is not possible for the water-dependent use.</u></p> <p><u>3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure within the same geographic area as the proposed project.</u></p> <p>((€))D. 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 the same geographic area as the site is provided.</p>
8.		<p><i>Authorize Non-motorized Boat Landing Areas in the Conservancy Preservation (CP) Environment</i></p> <p>The CP Environment is intended to preserve areas with mostly intact ecological function and areas that are biologically or ecologically fragile. Consequently, the CP Environment is characterized by larger setbacks than other environments.</p> <p>The proposed amendment, identified by staff, clarifies the circumstances under which non-motorized boat landings, such as canoe and kayak landings, may be allowed in the proposed CP Environment setback.</p>	<p>23.60A.258 Shoreline setbacks in the CP Environment</p> <p>A. Areas with 80 percent or more of intact vegetation</p> <p>1. In areas where there is 80 percent or more intact vegetation a shoreline setback of 100 feet from OHW marks is required.</p> <p>2. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:</p> <p>a. The minimum necessary for research, aquatic, scientific, historic, cultural and educational uses, pursuant to Section 23.60A.210 and the minimum necessary access to them;</p> <p>b. The minimum necessary for <u>non-motorized-boat landing areas that are allowed as a special use pursuant to Sections 23.60A.175 and 23.60A.252</u> , bridges overwater, or tunnels underwater that are allowed pursuant to Section 23.60A.209;and</p> <p>***</p> <p>B. Areas with less than 80 percent of intact vegetation</p> <p>***</p> <p>2. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:</p> <p>a. The minimum necessary for:</p> <p>***</p> <p>5) Utility lines allowed as a special or shoreline conditional use necessary to serve things allowed in the</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
			setback or over water; ((and)) 6) Research, aquatic, scientific, historic, cultural and educational uses pursuant to Section 23.60A.210; <u>and</u> 7) <u>Non-motorized-boat landing areas allowed as a special use pursuant to Sections 23.60A.175 and</u> <u>23.60A.252</u> ; and ***
9.		<p><i>Establish Standards for Patios in Setbacks for Multifamily Development in the Urban Residential (UR) Environment</i></p> <p>The proposed SMP establishes a 35 foot setback for most structures in the 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 patios permitted for multifamily development.</p>	<p>23.60A.575 Shoreline setbacks in the UR Environment</p> <p>A. A shoreline setback of 35 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and as follows:</p> <p>***</p> <p>2. More than 15 feet landward of the OHW mark for one on-grade patio per single-family dwelling unit <u>or for each 10 multifamily dwelling units</u>, limited to 45 square feet.</p>
10.		<p><i>Reduce the Proposed Setback in the Urban General (UG) Environment</i></p> <p>The proposed SMP establishes a 35 foot setback from the ordinary high water mark in the UG Environment.</p> <p>The proposed amendment, identified by the Lake Union Association and counsel for several Lake Union business and property owners, would reduce the setback to 15 feet in the Ship Canal. This area is characterized by an armored artificial water channel with minimal ecological function.</p> <p>The <i>Shoreline Characterization Report</i>, which informs the proposed SMP, identifies this reach as having the highest level of impaired ecological function.</p>	<p>23.60A.410 Shoreline setbacks in the UG Environment</p> <p>A. A shoreline setback of 35 <u>15</u> feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as allowed in Section 23.60A.167.</p> <p>***</p>
General Development Standards, Shoreline Modifications and Redesignation of Environment			
11.		<p><i>Add a Recital Related to Signs in the Shoreline</i></p> <p>The proposed SMP contains specific regulations for the location and type of signs allowed in the shoreline. See proposed section 23.60A.212.</p> <p>Staff has identified the potential for the proliferation of signage in the Shoreline.</p> <p>The proposed amendment would add an additional recital. The amendment is precautionary and would supplement and reinforce proposed Comprehensive Plan language setting sign regulation in the context of the SMA public access goal.</p>	<p>Whereas, the Shoreline Management Act and its regulations identify the public’s enjoyment of the aesthetic qualities of the shoreline as an important goal of the Act, and signs have an adverse impact on aesthetics, as well as contributing to driver distraction, and therefore should be limited in the Shoreline District;</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
12.		<p><i>Clarify that Best Management Practices (BMPs) Apply to All Moorage Users</i></p> <p>The proposed SMP establishes a duty for pier and float owners to require that their tenants use BMPs.</p> <p>The proposed amendment, identified by staff, clarifies that this duty extends to all moorage users, not just vessel operators.</p>	<p>23.60A.187 Standards for piers and floats and overwater structures</p> <p>A. In shoreline environments where piers, floats and associated overwater structures are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.187.</p> <p>B. Owners of piers and floats shall require <u>moorage users</u> that the operators of vessels moored at residential or non-residential moorages to use best management practices to minimize impacts on the aquatic environment. The Director may establish appropriate best management practices to implement the requirements of this subsection 23.60A.187.B by Director’s Rule. The best management practices include the following:</p>
13.		<p><i>Clarify Standards for Vegetation and Impervious Surface Management</i></p> <p>The proposed SMP contains general standards for vegetation and impervious surface management.</p> <p>The proposed amendment, identified by staff, clarifies when mitigation would or would not be required for impervious surface management activities.</p>	<p>23.60A.190 Standards for vegetation and impervious surface management</p> <p>***</p> <p>E. Impervious surface management activities. Impervious surface management activities that are allowed, or allowed as a special use or a shoreline conditional use under Sections 23.60A.167 or 23.60A.172, or the applicable shoreline environment on the part of the site where the impervious surface management activities are proposed to located are allowed landward of the OHW mark as follows and are otherwise prohibited, <u>except as provided in subsection 23.60A.190.D:</u></p> <p>1. If ((No))no <u>If ((No))no</u> vegetation ((shall be))is removed, the amount of impervious surface shall is not be increased, and no surface that is permeable by water at the time of the application ((shall be)) is covered with an impervious surface so that impervious surface will be closer to the OHW mark, <u>no mitigation is required for these impervious surface management activities except to address impacts from runoff; or</u></p> <p>2. <u>If vegetation is removed or impervious surface is increased, or impervious surface is placed closer to the OHW mark any of the actions described in subsection 23.60A.190.E.1 occur and that action impacts ecological functions, those impacts are shall be</u> mitigated as set out in Section 23.60A.158 and subsection 23.60A.190.H.</p>
14.		<p><i>Clarify Procedural Standards for Review for Impacts to Archaeological and Historically Significant Resources</i></p> <p>The proposed SMP contains procedural standards to ensure that development does not damage historic and archaeological resources.</p> <p>The proposed amendment, identified by staff, clarifies how review would occur during permitting and expands the threshold criteria for when review is required to include excavation within 200 feet of the meander line and other places where information suggests the potential location of archaeological resources. These requirements duplicate procedural requirements in the State Environmental Policy Act.</p>	<p>23.60A.154 Standards for archaeological and historic resources</p> <p>A. Developments, shoreline modifications and uses on sites of historic or archeological significance or sites containing items of historic or archeological significance, as defined by the Washington State Department of Archaeology and Historic Preservation, shall reasonably avoid disruption of the historic or archeological resource.</p> <p>B. <u>Review during permitting</u></p> <p>1. Applications that include the following areas excavation in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a site inspection and a written report prepared by a qualified professional archaeologist, approved by the City, prior to the issuance of a permit;</p> <p><u>a. Proposed excavation in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources; and</u></p> <p><u>b. Proposed excavation located within 200 feet of the US Government Meander line or in other areas where information reasonably suggests the potential for archeologically significant resources unless the appropriate Native American tribe provides a written consent to the proposed excavation that specifically describes the geographic area for the consent.</u></p> <p>2. In addition, the <u>The archaeologist also</u> shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation.</p> <p>3. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project’s impacts.</p> <p>4. The Director shall condition project approval based on the final report from the archaeologist to avoid, minimize and mitigate impacts to the site consistent with federal and state law.</p> <p>***</p>
15.		<p><i>Clarify Habitat Evaluation Procedures</i></p> <p>With Council comment and review, DPD will promulgate rules for evaluating ecological function within various reaches. The rules will likely establish habitat units for mitigating impacts or providing offsets for non-preferred uses in the shoreline.</p>	<p>23.60A.027 Habitat Evaluation Procedures</p> <p>A. Director’s Rule</p> <p>1. The Director by rule may establish procedures to evaluate ecological functions in the Shoreline District using a system of habitat units.</p> <p>2. In developing the Director’s Rule, the Director shall consult with relevant state and federal regulatory agencies and include affected stakeholders.</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
		The proposed amendment, identified by staff in response to concerns raised by a coalition of industrial business and property owners, clarifies that procedures will not conflict with federal or state standards established for other agencies with jurisdiction in the shoreline, such as the U.S. Army Corp of Engineers.	<p>B. The procedures shall:</p> <p>1. Use appropriate scientific and technical information to determine, measure and/or quantify ecological functions <u>required to determine no net loss of ecological functions</u>; including relative proximity to the ordinary high water mark;</p> <p>2. 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; and.</p> <p>3. <u>Not conflict with the federal and state standards for mitigating related environmental impacts.</u></p> <p>***</p>
16.		<p><i>Pier 1 Shoreline Environment Redesignation</i></p> <p>The proposed amendment requested by AnMarCo, which has an interest in property just north of Jack Block Park, would change the shoreline environment for approximately three parcels to facilitate future commercial development on the site and in the vicinity.</p>	<p>Amend Exhibit B at map 17 to change the shoreline environment in the vicinity of Pier 1 in West Seattle. The designation for submerged land would change from an Urban Industrial (UI) Environment to a Conservancy Management Environment. The designation for dry land would change from a UI Environment to an Urban Commercial Environment.</p> <div data-bbox="1681 711 2607 1768"><p>MAP A17 Shoreline Environments</p><p>Amdt. Area</p></div>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
17.		<p><i>Terminal 107 Shoreline Environment Redesignation</i></p> <p>The proposed amendment, requested by the Port of Seattle, would retain in the Urban Industrial (UI) Environment a small area just south of the Terminal 107 Park. The original proposal from DPD would have changed the designation from a UI Environment to a Conservancy Recreation Environment.</p>	<p>Amend Exhibit B at map 18 to maintain the Urban Industrial Environment in the vicinity of the intersection of Puget Way SW and West Marginal Way SW.</p> <div><p>MAP A18 Shoreline Environments</p></div>
Floating Homes			
18.		<p><i>Clarify Floating Home Separation Requirements</i></p> <p>The proposed SMP contain regulations for floating homes. With some exceptions, these regulations consolidate and maintain existing regulations for floating homes.</p> <p>The Floating Homes Association has identified an amendment to</p>	<p>23.60A.202 Standards for Floating homes and floating home moorages</p> <p>D. Standards for floating homes</p> <p>***</p> <p>5. A floating home may be rebuilt, replaced, repaired, or remodeled consistent with the following standards and subsection 23.60A.202.D.6, if applicable:</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
		maintain existing separation standards for floating homes on opposite sides of moorage walkways.	*** c. Setbacks between adjacent floating homes. *** 4) In no case shall the minimum distance between floating homes on opposite sides of a moorage walkway be decreased, wall to wall <u>The minimum distance between the exterior walls of floating homes on opposite sides of a moorage walkway shall be 10 feet or the existing distance, whichever is less.</u>
19.		<i>Clarify Floating Home BMPs and Require Consultation with FHA for BMP Director's Rule</i> The proposed SMP would create a Best Management Practice (BMP) requirement for floating home owners and moorages. The proposed amendment identified by the Floating Homes Association clarifies that BMPs for double containment of liquids would only apply to toxic products and directs the DPD Director to consult with the Floating Homes Association before any BMPs are promulgated by rule.	23.60A.202 Standards for Floating homes and floating home moorages E. Owners and tenants of floating homes shall use best management practices to minimize impacts on the aquatic environment. Best management practices include, but are not limited to, the following: *** 6. Using a double containment system when using <u>toxic</u> liquid products on decks and other areas exposed to the outside to contain any spills in the second receptacle to prevent these products from entering the water. F. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.202.E by Director's Rule <u>and shall consult with the Floating Homes Association in adopting the rule.</u> ***
20.		<i>Clarify Standards for Adding Floating Home Moorages in the urban Commercial (UC) Environment</i> The proposed SMP contain regulations for floating homes. With some exceptions, these regulations consolidate and maintain existing regulations for floating homes. The Floating Homes Association has identified an amendment to maintain existing conditions for where new floating home moorages may be established in the UC Environment.	23.60A.202 Standards for Floating homes and floating home moorages *** B. Standards for floating home moorages and sites *** 2. New floating home moorages and sites *** b. A new floating home moorage or a new floating home site at an existing floating home moorage is allowed in the UC Environment if: *** 5) No more than one <u>two</u> such floating home moorages or sites may be added to any marina or floating home moorage after April 1, 1987; and ***
Non-substantive Clarifications and Corrections			
21.		<i>Eliminate Reference to S. Leon Place</i> The proposed amendment eliminates a reference to the now vacated South Leon Place right-of-way and substitutes a new locational reference.	23.60A.572 Height in the UR Environment A. Maximum height. The maximum height allowed in the UR Environment is as follows, except as modified by subsections 23.60A.572.B through 23.60A.572.D. 1. Thirty feet in all locations except as provided in subsection 23.60A.572.A.2. 2. The maximum height allowed on an upland lot on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place <u>1301 Harbor Avenue Southwest</u> to 59th Avenue Southwest is 60 feet.
22.		<i>Add Acronyms to the Definition Section</i> The proposed amendment adds acronym definitions to the definition section in the proposed update. The amendment would also eliminate the definition of “sail area.”	Subchapter XVI Definitions *** 23.60A.904 Definitions -- "B" *** <u>“BMP.” See “Best management practices”</u>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
		Should the Council decline to incorporate proposed changes to regulations of new vessels proposed earlier in this memo, the definition of “sail area” should be retained.	<p>***</p> <p>23.60A.906 Definitions -- "C"</p> <p>***</p> <p><u>“Conservancy shoreline environments” means the Conservancy Management, Conservancy Navigation, Conservancy Preservation, Conservancy Recreation and the Conservancy Waterway shoreline environments.</u></p> <p>***</p> <p>23.60A.908 Definitions -- "D"</p> <p>***</p> <p><u>“DNR” means Washington State Department of Natural Resources.</u></p> <p>***</p> <p>23.60A.926 Definitions -- "M"</p> <p>***</p> <p><u>“MHHW.” See “Mean higher high water.”</u></p> <p>***</p> <p><u>“MLLW.” See “Mean lower low water.”</u></p> <p>***</p> <p>23.60A.928 Definitions -- "N"</p> <p>***</p> <p><u>“NPDES” means National Pollutant Discharge Elimination System</u></p> <p>23.60A.930 Definitions -- "O"</p> <p><u>“OHW.” See “Ordinary high water mark.”</u></p> <p>***</p> <p>23.60A.934 Definitions -- "R"</p> <p>***</p> <p><u>“RCW” means Revised Code of Washington.</u></p> <p>***</p> <p>23.60A.936 Definitions -- "S"</p> <p>((“Sail area” means the cross sectional area of the floating structure as viewed from the side. The sail area of the hull, neglecting the area under the rake of the bow or stern, is equal to the overall length times the freeboard, for floating structures with no shear or camber. The sail area of each level of the structure is the length of the structure times the height of that level, measured from the top of the deck at the bottom of the level to the top of the next higher deck or, if there are no higher levels, the top of the roof.))</p> <p>***</p> <p><u>“SMA” means Shoreline Management Act.</u></p> <p><u>“SMC” means Seattle Municipal Code.</u></p> <p><u>“SMP” means Shoreline Master Program.</u></p> <p>“Soft stabilization.” See “Shoreline stabilization”.</p> <p>“Special use. ” See Shoreline special use.</p> <p><u>“SPU” means Seattle Public Utilities.</u></p> <p>***</p> <p>23.60A.940 Definitions -- "U"</p> <p>***</p> <p><u>“USACE” means U.S. Army Corps of Engineers.</u></p> <p>***</p> <p><u>“USEPA” means U.S. Environmental Protection Agency.</u></p> <p>***</p> <p>23.60A.944 Definitions -- "W"</p> <p>***</p>

#	Amendment Motion/ Vote	Discussion	Proposed Amendment
			<p><u>“WDFW” means Washington Department of Fish and Wildlife.</u></p> <p>***</p> <p><u>“WRIA” means Water Resource Inventory Area</u></p> <p>***</p>
23.		<p><i>Eliminate Reference to Property Tax Segregation</i></p> <p>The improve ease of code administration, the proposed amendment eliminates property tax segregation prior to 1977 as a condition precedent to allowing a partially overwater single family dwelling unit in the Conservancy Recreation (CR) Environment.</p>	<p>23.60A.282 Uses in the CR Environment</p> <p>A. Use regulations</p> <p>***</p> <p>E. Single-family dwelling units</p> <p>1. Single-family dwelling units constructed wholly over water are prohibited.</p> <p>2. Single-family dwelling units constructed partially over water on lots adjacent to the UR Environment are allowed as a shoreline conditional use if the following conditions are met:</p> <p>a. There is no existing principal use on the lot;</p> <p>b. The lot on which the dwelling unit is to be located:</p> <p>1) Is a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977, by deed, contract of sale, mortgage, platting, property tax segregation or building permit; and</p> <p>***</p>
24.		<p><i>Eliminate Reference to Erroneous Figure in the Land Use Element</i></p> <p>The proposed amendment removes an inaccurate reference to a figure in the Land Use Element of the Comprehensive Plan.</p>	<p><u>shoreline environments</u></p> <p><u>The Shoreline Master Program must address a wide range of physical conditions and development settings along areas of the shoreline. The Shoreline Master Program prescribes different environmental protection measures, allowable use provisions and development standards for each of these areas of the shoreline. The method to account for different shoreline conditions is to assign an environment designation to each distinct shoreline section. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designations. The shoreline environments within Seattle’s Shoreline District is divided into two broad categories: Conservancy and Urban and then subdivided further within these two categories. The Conservancy shoreline environments are less developed and provide for areas of navigation, recreation and habitat protection. The Urban shoreline environments are areas that are more developed and provide for single family residential development and water-dependent and water-related uses. The Conservancy and Urban shoreline environments are described in the following goals and policies.((and displayed on Land Use Figure 1).:))</u></p>
25.		<p><i>Eliminate Duplicative Section with Standards for Floating Structures</i></p> <p>The proposed amendment, identified by staff, removes a superfluous section regulating the shape of floating structures.</p> <p>Should the Council decline to incorporate proposed changes to regulations of new vessels proposed earlier in this memo, the section should be retained.</p>	<p>23.60A.203 Standards for floating structures</p> <p>Floating structures and vessels that have a Sail Area/Hull Plan Ratio equal to or greater than 0.90 or a Sail Length/Beam Ratio less than 3, are allowed in ferry terminals, cruise ship terminals and commercial marinas when used for commercial or industrial uses that are allowed over water in that shoreline environment, and otherwise are prohibited.</p>