CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Shoreline Master Program; amending the Seattle Comprehensive Plan provisions in the Shoreline District; repealing Chapter 23.60 of the Seattle Municipal Code (SMC), the Shoreline Master Program; adopting an new Chapter 23.60A of the SMC, the Shoreline Master Program Regulations; incorporating and amending Chapter 25.09 of the SMC, environmentally critical areas regulations located in the Shoreline District into Chapter 23.60A of the SMC; amending subsection 23.80.004.C of the SMC, essential public facilities for light rail transit in the Shoreline District; adding certain shoreline violations to the citation process in Chapter 23.91of the SMC; amending Chapter 23.32 of the SMC at pages 1, 10, 33, 49, 52, 53, 65, 74, 75, 80, 81, 82, 83, 84, 97, 99, 114, 125, 208, 210, 214, 215, and 217 of the Official Land Use Map to revise the locations of shoreline environments; adopting a Restoration and Enhancement Plan; repealing subsections 25.09.020.D.6 and 25.09.200.B of the environmentally critical areas regulations, creating and regulating shoreline habitat as a critical area; and amending Sections 22.170.110, 22.805.020, 22.807.020, 23.28.030, 23.34.007, 23.41.004, 23.41.012, 23.42.038, 23.42.040, 23.42.100, 23.44.006, 23.44.008, 23.44.010, 23.44.014, 23.44.052, 23.45.536, 23.45.545, 23.50.002, 23.50.014, 23.50.018, 23.50.026, 23.55.015, 23.57.002, 23.72.006, 23.72.008, 23.76.006, 23.76.066, 23.88.020, 23.90.006, 23.91.002, 25.09.015, 25.09.020, 25.09.045, Section 25.09.200, 25.09.240, 25.09.260, 25.09.320, 25.09.330, 25.09.520 of the SMC.

WHEREAS the State of Washington has mandated that all local jurisdictions update their Shoreline Master Programs pursuant to the Shoreline Management Act; and

WHEREAS the City Council finds that the changes to the locations of the shoreline environments shown on the maps attached as Exhibit B to this ordinance are consistent with the criteria for shoreline environment redesignation in Section 23.60.042 and proposed Section 23.60A.042; and

WHEREAS the proposed amendments further the City's interest in protecting the public health, safety and welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Comprehensive Plan, last amended by Ordinance 123854, is amended as follows:

C-4 Shorelines

discussion

CB 117565 Attachment 1.2.3

In conformance with the goals of the State Shoreline Management Act, the Seattle Shoreline Master Program accommodates a variety of functions and activities unique to the shoreline district((~~areas~~)), especially water-dependent businesses and shoreline recreation activities, and protects and enhances public access, natural areas, ecological functions and views of the water. Policies in this section guide management of Seattle's shorelines and describe the purposes of the shoreline environments. Together with the Seattle Shoreline Master Program Regulations in the Land Use Code, including the maps of the Shoreline District showing the locations of shoreline environments, and Shoreline Restoration and Enhancement Plan, these policies constitute the Seattle Shoreline Master Program. ((~~Management of Seattle's shorelines is guided by the Area Objectives for Seattle's shorelines as established in these policies, and the purpose of the shoreline environments, the shoreline environment designations and the use regulations and development standards established in the Land Use Code. All these elements combined constitute the Seattle Shoreline Master Program.~~))

shoreline use ((~~goals~~))

LUG39 Encourage((~~Establish~~)) shoreline uses that result in long-term over short-term benefit.

LUG40 Define appropriate uses for specific ((~~Plan for and encourage the integration and location of compatible uses within~~))segments of the shoreline.

LUG41 Locate ((~~all non~~))uses that are not water-dependent or water-related ((~~uses~~))on upland lots to optimize shoreline use and access.

((~~LUG42~~ ~~Provide a management system that will plan for and permit all reasonable and appropriate use through a system of priorities.~~))

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LUG42 Protect ecological function of those areas of shoreline that are biologically significant or that are geologically ((~~43 dangerous or~~)) fragile((~~, or biologically fragile~~)).

LUG**43** Restore and enhance ecological function through non-regulatory programs and policies.

((~~shoreline use policies~~))

LU231 ((~~Permit~~)) Allow only those uses, developments, and shoreline modifications((~~or conditions~~)) that retain options for future generations, unless identified benefits clearly outweigh the physical, social, environmental and((~~/or~~)) economic loss over a 20-year planning horizon.((~~to future generations since competition between uses for shoreline does not generally occur at one moment, but over a period of time. Water dependent uses generally shall have priority.~~)) Use p((~~P~~))reference will be given in the following order:

1. On waterfront lots:

((~~1~~))a. Uses that ((~~Protection and~~))protect or restore and enhance((~~ment of~~)) natural areas ((~~or systems:~~))and ecological processes and functions, particularly those areas or systems identified as containing or having unique geological, ecological or biological significance.

((~~2~~))b. Water-dependent uses((~~:~~)) - ((~~all~~))are uses that cannot exist in ((~~any~~)) other than a waterfront location and are dependent on the water by reason of the intrinsic nature of ((~~their~~))their operations. ((~~However, because of their historic role and legal recognition by the City, floating home moorage are designated as a water dependent use. Such designation does not imply support for increase of floating home moorage. The intent of this policy is to recognize the existing floating home community in Lake Union and Portage Bay, while protecting natural~~

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~~areas, preserving public access to the shoreline, and preventing the displacement of water-dependent commercial and manufacturing uses by floating homes. Areas with substantial concentrations of existing floating homes shall be given a designation that preserves residential uses.~~

~~3. Non-water dependent uses: those uses that do not need a waterfront location to operate.~~))

c."Water-related use" - a use or portion of a use not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a location in the shoreline district because:

1) The use has a functional requirement for a waterfront location, such as the arrival or shipment of materials by water (less than 50 percent of its product arrives by vessel), or the need for large quantities of water in the use; or

2) The storage of material that is transported by a vessel and is either loaded or off-loaded in the Shoreline District: or

3) The use provides a necessary service supportive of water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

d. Water-enjoyment uses - those uses that facilitate public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through location, design, and operation, ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

e. Floating home uses existing as of January 2011, which are considered conforming preferred uses because of their historic role and legal recognition by the City. The

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intent of this policy is to recognize the existing floating home community in Lake Union and Portage Bay, while protecting natural areas, preserving public access to the shoreline, and preventing the displacement of water-dependent commercial and manufacturing uses by new floating homes. Applicable development and Shoreline Master Program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable.

f. Single-family residential uses are preferred uses where they are appropriately located and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

g. Uses that are not water-dependent with regulated public access or with ecological restoration and enhancement.

h. Uses that are not water-dependent, water-related or water-enjoyment as defined above, without regulated public access or ecological restoration and enhancement.

2. On upland lots: Preferred uses are those that complement uses on adjacent waterfront lots.

3. The preference for protection of the ecological conditions of the shoreline shall be accomplished by prohibiting uses that would negatively impact natural areas, by providing mitigation for negative impacts caused by the use and by providing restoration and enhancement of natural areas where they are degraded.

4. Preferred uses will vary according to the purpose of the shoreline environment.

a. Where the purpose of the environment is to encourage water-dependent and water-related uses, these uses shall be preferred by prohibiting and/or restricting the number of uses that are not water-dependent or water-related allowed on waterfront lots.

b. Where the purpose of the environment is to provide public access, these uses shall be preferred by allowing uses that provide public access.

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c. Where the purpose of the environment is to protect ecological processes and functions, protection of ecological processes and functions shall be preferred by permitting uses that achieve this purpose.

LU232 ((~~Define in~~))In the Land Use Code, identify ((~~all~~))appropriate shoreline uses((~~,~~)) and related standards, and provide site development ((~~performance~~))standards and other appropriate criteria indicating minimal acceptable standards to be achieved. ((~~Uses shall be preferred in the following order:~~

~~1. On waterfront lots:~~

~~a. Protection and Enhancement. Uses that provide for protection and enhancement of natural areas or systems.~~

~~b. Water-dependent uses. Uses that are dependent on the water by the intrinsic nature of their operation.~~

~~c. Water-related uses. Uses that are not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site.~~

~~d. Non-water-dependent uses with regulated public access. Uses that are neither water-dependent nor water-related because they do not use the water, although a waterfront location may increase their profitability. Such uses provide a public benefit because they provide an opportunity for substantial numbers of the people to enjoy the shorelines of the City.~~

~~e. Non water-dependent uses without regulated public access.~~

~~2. On upland lots: Preferred uses are those that complement uses on adjacent waterfront lots.~~

~~3. The preference for natural areas shall be accomplished by prohibiting uses that would disrupt natural areas or by providing enhancement of such areas where necessary.~~

~~4. Preferred uses will vary according to the purpose of the environment:~~

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~~a. If the purpose of the environment is to encourage water-dependent and water-related uses, these uses shall be preferred by prohibiting and/or restricting non water-dependent uses on waterfront lots.~~

~~b. If the purpose of the environment is to provide public access, providing public access shall be preferred by permitting non water-dependent uses and requiring public access.~~

~~5. The determination that a shoreline area is suitable for a particular water-dependent use shall be made by comparing the area's physical characteristics and existing land use patterns to the rezone requirements of water-dependent uses.~~

~~**LU233** Identify those areas of shorelines that are geologically or biologically dangerous or fragile and regulate development to prevent damage to property or organisms and the general public.~~

~~**LU234** Encourage the development of support industries and services on upland lots by permitting a wider range of uses and more flexible development standards than waterfront lots, and avoiding potential incompatibility with water-dependent uses on waterfront lots.~~))

LU233 Allow live-aboards on vessels in moorage areas and provide standards that mitigate the impacts of live-aboard uses on the shoreline environment.

LU234 Allow a wider range of uses on upland lots than on waterfront lots in order to support water-dependent and water-related uses on waterfront lots, while avoiding potential incompatibility with those uses.

shoreline access ((~~goals~~))

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LUG44 Maximize ((~~Provide for the optimum amount of~~))public access — both physical and visual — to((~~the~~)) Seattle's shorelines.((~~of Seattle.~~))

LUG45 Preserve and enhance views of the shoreline and water from upland areas, where appropriate.

((~~shoreline access policies~~))

LU235 ((~~Increase~~))Enable opportunities for substantial numbers of people to enjoy the shorelines((~~,~~)) by requiring access to public property located on the water and by ((~~permitting non~~)) allowing uses that are not water-dependent to locate on waterfront lots ((~~uses~~))when those uses provide((~~ing~~)) additional public access to the shoreline and are located in waterfront areas less suited for water-dependent uses.((~~, and by requiring public access on public property~~)).

LU236 Promote public enjoyment of the shorelines through public access standards that((~~by requiring~~))require improvements ((~~that are~~))to be safe, well designed, and ((~~offer~~))with adequate access to the water.

((~~**LU237** Except for single-family residences, maintain standards and criteria for public access and private use of publicly owned or controlled shorelines to achieve the following:~~

~~1. Provide linkages between shoreline public facilities via trails, paths, etc., to connect with terminal boating and other recreational facilities.~~

~~2. Indicate by use of signs and graphics all publicly owned or controlled shoreline.~~

~~3. If appropriate, offer bonuses for the provision of public access in private property.~~

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~~4. Require public agencies such as the City, Port of Seattle, and King County Metro, etc., to provide public access opportunities at new shorelines facilities and encourage these agencies to provide similar opportunities in existing facilities.~~

~~5. Provide standards and criteria for view and visual access from upland and shoreline areas.~~

~~6. Give priority to the operating requirements of the water-dependent and water-related uses over preservation of views in those environments where water-dependent uses are encouraged.~~

~~7. Limit off-premise signs and regulate other signs to enhance and protect views.~~

~~**LU238** Waterways in Lake Union and Portage Bay are for public navigation access and commerce and, in general, the City shall not request that the designation be removed from waterways. The City may request that waterways be vacated only when the city reclaims the area as street right of way or for public park purposes. The City may request that the dry land portion of a waterway be redesignated for the additional purpose of providing permanent public access improvements.~~))

LU237 Encourage adopt-a-beach and other programs that promote voluntary maintenance of public access areas in the Shoreline District.

LU238 Maintain standards and criteria for providing public access, except for lots developed for single-family residences, to achieve the following:

1. linkages between shoreline public facilities via trails, paths, etc., that connect boating and other recreational facilities.

2. visible signage at all publicly owned or controlled shorelines and all required public access on private property.

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3. development of bonuses or incentives for the development of public access on private property, if appropriate.

4. provision of public access opportunities by public agencies such as the City, Port of Seattle, King County and the State at new shoreline facilities and encourage these agencies to provide similar opportunities in existing facilities.

5. view and visual access from upland and waterfront lots.

6. prioritize the operating requirements of water-dependent uses over preservation of views.

7. protection and enhancement of views by limiting view blockage caused by off-premise signs and other signs.

LU239 Waterways, which are public highways for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation, in Lake Union and Portage Bay are for public navigation access and commerce, and in general, the City shall not request that the designation be removed from waterways. The City may request that waterways be vacated only when the City reclaims the area as street right-of-way or for public park purposes. The City may request that the dry land portion of a waterway be re-designated for the additional purpose of providing permanent public access improvements.

LU240 Shoreline street ends are a valuable resource for public use, access and shoreline restoration. Design public or private use or development of street ends to enhance, rather than reduce, public access and to restore the ecological conditions of the shoreline.
transportation in the shoreline.

((~~transportation goals~~))

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LUG46 Provide a transportation network that supports and enhances use of and access to the shorelines. ((~~Develop a transportation network that supports and enhances use of and access to the shorelines~~))

LUG47 Relocate or demolish transportation facilities that are functionally or aesthetically disruptive to the shoreline, such as the aerial portion of the Alaskan Way Viaduct on the Central Waterfront between King Street and Union Street.

((~~shoreline transportation policies~~))

LU241((~~239~~)) Encourage the transport of materials and cargo in the Shoreline District via modes having the least environmental impact.

((~~**LU240** Encourage the maintenance and future development of inter-modal commuter ferry services, complementary to other public transportation systems, from both intracity locations and regional activity centers.~~

~~**LU241**~~

~~1. Streets, highways, freeways and railroads should be located away from the shoreline in order to maximize the area of waterfront lots and minimize the area of upland lots. Streets, highways, freeways and railroads not needed for access to shoreline lots shall be discouraged in the Shoreline District. A replacement for the State Route 99 Viaduct (only for seawall reconstruction and either a tunnel with a surface roadway or a surface roadway) may be located in the Shoreline District because it represents a critical link in the transportation network.~~

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~~2. To facilitate expeditious construction in an environmentally and fiscally responsible manner, standards for major state and regional transportation projects should be considered that will allow flexibility in construction staging, utility relocation, and construction-related mitigation and uses, provided that the projects result in no net loss of ecological function.~~

~~3. Prohibit aerial transportation structures over 35 feet high, such as bridges and viaducts, on the Central Waterfront in the Shoreline Environments between King Street and Union Street, except for aerial pedestrian walkways associated with Colman Dock, in order to facilitate the revitalization of downtown's waterfront, provide opportunities for public access to the Central Waterfront shoreline, and preserve views of Elliott Bay and the land forms beyond.~~

~~**LU242** The primary purpose of waterways in Lake Union and Portage Bay is to facilitate navigation and commerce by providing navigational access to adjacent properties, access to the land for the loading and unloading of watercraft, and temporary moorage. The importance of waterways in providing public access from dry land to the water is also recognized.~~

~~**LU243** Public access shall be the preferred use for recaptured rights-of-way. Public rights-of-way may be used or developed for uses other than public access, provided that such uses are determined by the City to be in the public interest, and that public access of substantial quality and at least comparable to the right-of-way is provided.~~

~~**LU244** Shorelines street ends are a valuable resource for public use and access. Public or private use or development of street ends shall be designed to enhance rather than reduce public access.~~

~~**LU245** Provide public transportation convenient to the shoreline.~~))

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LU242 Encourage large vessels (cruise ships and cargo container ships) to connect to dock side electrical facilities or use other energy alternatives while in port, to reduce engine idling and exhaust emissions.

LU243 Discourage, and reduce over time vehicle parking on waterfront lots in the Shoreline.

LU244 Encourage the maintenance and future development of inter-modal commuter ferry services, to complement other public transportation systems, from both intra-city locations and elsewhere in the region.

LU245 Provide public transportation convenient to the shoreline.

LU246.

1. Locate streets, highways, freeways and railroads away from the shoreline in order to maximize the area of waterfront lots. Discourage streets, highways, freeways and railroads not needed for access to shoreline lots in the Shoreline District. A replacement for the State Route 99 Viaduct with a tunnel and/or a surface roadway may be located in the Shoreline District because it represents a critical link in the transportation network.

2. To facilitate expeditious construction in an environmentally and fiscally responsible manner, standards for major state and regional transportation projects should be considered that will allow flexibility in construction staging, utility relocation, and construction-related mitigation and uses, provided that the projects result in no net loss of ecological function.

3. Prohibit aerial transportation structures over 35 feet high, such as bridges and viaducts, on the Central Waterfront in the Shoreline Environments between King Street and Union Street, except for aerial pedestrian walkways associated with Colman Dock, in order to facilitate the revitalization of downtown's waterfront, provide opportunities for public access

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to the Central Waterfront shoreline, and preserve views of Elliott Bay and the land forms beyond.

LU247 The primary purpose of waterways in Lake Union and Portage Bay is to facilitate navigation and commerce by providing water-borne access to adjacent properties, access to the land for the loading and unloading of watercraft, and temporary moorage. Waterways are also important for providing public access from dry land to the water.

LU248 Public access shall be the preferred use for vacated rights-of-way. Public rights-of-way may be used or developed for uses other than public access, provided that such uses are determined by the City to be in the public interest, and that public access of substantial quality and at least comparable to that available in the right-of-way is provided.

((~~conservation goals~~))shoreline protection and restoration

LUG48 Require that no net loss of ecological functions occur as a result of uses, development, shoreline modifications, maintenance activities or expansion of existing uses, development or shoreline modifications.((~~Preserve, protect and restore areas such as those necessary for the support of wild and aquatic life or those identified as having geological or biological significance.~~))

LUG49 Identify those areas of shorelines that are geologically or biologically unstable, fragile or significant and regulate development to prevent damage to property, general public, aquatic and terrestrial species, and shoreline ecological functions. ((~~Insure that all future uses will preserve and protect environmental systems, including wild and aquatic life.~~))

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LUG50 Preserve, protect and restore areas necessary for the support of terrestrial and aquatic life or those identified as having geological or biological significance.((~~Insure continuing scientific study of Seattle shoreline ecosystems.~~))

LUG51 Use scientific information to guide shoreline protection, enhancement and restoration activities.

LUG52 Address and minimize the impacts of sea level rise on the shoreline environment with strategies that also protect shoreline ecological functions, allow water-dependent uses and provide public access.

LUG53 Encourage the establishment of marine protected areas, where appropriate.

LUG54 Restore lower Duwamish watershed habitat and marine ecology while sustaining a healthy and diverse working waterfront in this Urban Industrial Environment.

LUG55 Strengthen the vitality of a functioning ecosystem within Watershed Resource Inventory Areas (WRIA) 8 and 9 by integrating development projects into their surrounding environments, by supporting a diversity of habitats, and by strengthening connections between habitats throughout each watershed.

((~~conservation policies~~))

((~~**LU246** Protect the natural environment through use and development standards governing shoreline activities including best management practices.~~

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~~**LU247** Areas identified as special wildlife or fisheries habitat should be developed only if no reasonable alternative locations exist and then only if the project is designed to minimize and mitigate habitat damage.~~

~~**LU248** Require that all commercial, industrial or other high activity uses provide means for treating natural or artificial urban run-off to acceptable standards. Developments with industrial and commercial uses that use or process substances potentially harmful to public health and/or aquatic life shall provide means to prevent, to the extent possible, point and non-point discharge of the harmful substances.~~

~~**LU249** Dredging and disposal of dredge materials shall be conducted in a manner that minimizes short and long-term environmental damage.~~

~~**LU250** Permit landfill on submerged land that does not create dry land where necessary for a water-dependent or water-related use, for the replacement of the State Route 99 Viaduct (only for seawall reconstruction and either a tunnel with a surface roadway or a surface roadway), for the installation of a bridge or utility line, or for wildlife or fisheries habitat mitigation or enhancement. Permit landfill that creates dry land only where necessary for the operation of a water-dependent or water-related use, for the replacement of the State Route 99 Viaduct (only for seawall reconstruction and either a tunnel with a surface roadway or a surface roadway), to repair pocket erosion, or for wildlife habitat mitigation or enhancement. Large amounts of dry land may be created in Lake Union only if specifically approved by the Council for a public park purpose.~~

~~**LU251** Identify those areas that have potential for restoration to "natural" conditions, develop standards for the conditions in those areas, and provide incentives for achieving such standards.~~

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~~**LU252** Support programs that inform the public about shoreline conservation practices, and identify methods by which public and private shoreline owners or community groups may encourage wild, aquatic and botanical life, and require such methods when appropriate.~~

~~**LU253** Support the study of the shoreline systems that will provide a continuously updated baseline against which to judge the impact of any action.~~))

LU249 Use mitigation sequencing to meet no net loss of ecological functions. Mitigation sequencing refers to taking steps in this order: avoid, rectify, minimize and/or compensate for the loss to ecological functions.

LU250 Protect the natural environment of the shoreline through development regulations that include a requirement to use best management practices to control impacts from construction and development activities.

LU251 Regulate development on those areas of shorelines that are biologically significant or geologically fragile to prevent harm to property, organisms or the general public.

LU252 Develop methods to measure both the impacts of development in the Shoreline District and the effects of mitigation so that no net loss of ecological function occurs through development projects.

LU253 Monitor the benefits of mitigation techniques to determine which are best suited to meet the goal of no net loss of ecological function.

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LU254 Conserve existing shoreline vegetation and encourage new shoreline plantings with native plants, to protect habitat and other ecological functions, reduce the need for shoreline stabilization structures, and improve visual and aesthetic qualities of the shoreline.

LU255 Avoid development in areas identified as special wildlife or priority saltwater or fresh water habitat unless no feasible alternative locations exist and the new development is designed to mitigate impacts.

LU256 Protect environmentally critical areas as set out in the policies for environmentally critical areas and modified to reflect the special circumstances of such areas in the Shoreline District.

LU257 Require that all commercial, industrial or other high intensity uses provide means for treating natural or artificial urban run-off to acceptable standards. Developments with industrial or commercial uses that use or process substances potentially harmful to public health and/or aquatic life shall provide means to prevent point and non-point discharge of those substances.

LU258 Consider the Lower Duwamish Watershed Habitat Restoration Plan (Weiner, K.S and Clark, J.A. 1996); the Port of Seattle Lower Duwamish River Habitat Restoration Plan and the WRIA 8 Chinook Salmon Conservation Plan and implementation documents and WRIA 9 Salmon Habitat Plan and implementation documents when conducting planning, permitting, mitigation and restoration activities within the Duwamish/Green River and Cedar River watersheds.

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LU259 Allow dredging in the minimum amount necessary for water-dependent uses, environmental mitigation or enhancement, clean-up of contaminated materials, and installation of utilities and bridges.

LU260 Allow fill on submerged land that does not create dry land only where necessary and in a manner that minimizes short- and long-term environmental damage, for the operation of a water-dependent or water-related use, transportation projects of statewide significance, installation of a bridge or utility line, disposal of dredged material in accordance with the Dredged Material Management Program, beach nourishment or environmental mitigation or restoration and enhancement. Design projects to ensure no net loss of ecological function through mitigation sequencing.

LU261 Permit landfill that creates dry land only where necessary for transportation projects of statewide significance, repair of pocket erosion for water-dependent and water-related uses, beach nourishment, or for environmental mitigation or restoration and enhancement. Construct fill projects in a manner that minimizes short and long-term environmental damage and design projects to ensure no net loss of ecological function through mitigation sequencing.

LU262 Work with other government agencies and shoreline users to reduce the input of pollutants, to restore contaminated areas, to control disposal of dredge spoils, and to determine the appropriate mitigation for project impacts.

LU263 Use a restoration plan to identify areas that have potential for shoreline habitat restoration. Identify restoration opportunities that will best achieve ecological improvement, describe the appropriate restoration activities for the conditions in those areas, and provide incentives for achieving restoration of the shorelines.

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LU264 Support programs that inform the public about shoreline conservation practices and identify methods by which public and private shoreline owners or community groups may encourage aquatic and terrestrial life, require such methods when appropriate, and provide incentives for such projects.

LU265 Support the scientific study of the shoreline ecosystems that will provide information to help update baseline condition information; to monitor the impact of any action; and to guide protection, restoration and enhancement activities to meet the no net loss requirements and implement the restoration plan.

LU266 Where applicable, new or expanded development and maintenance shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

shoreline economic development ((~~goals~~))

LUG56((~~51~~)) Encourage economic activity and development ((~~of water-dependent uses~~))by supporting the retention and expansion of existing water-dependent and water-related businesses on waterfront lots.((~~and planning for the creation of new developments in areas now dedicated to such use.~~

~~**LUG52** Allow a multi-use concept of development, provided that the major use is water-dependent and that it provides public access to the shoreline yet maintains the economic viability of the use.~~))

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((~~economic development policies~~))

LU267((~~254 Concentrate industrial and commercial shoreline uses by supporting~~))Support the retention and expansion of existing conforming water-dependent and water-related businesses, and ((~~planning for~~))anticipate the creation of new water-dependent and water-related development((~~s~~)) in areas now dedicated to such use.

LU268((~~255~~)) Identify and designate appropriate land adjacent to deep water for industrial and commercial uses that require such condition((~~, such as industry or commerce~~)).

LU269((~~256~~)) Provide regulatory and non-regulatory incentives for property owners to include public amenities and ecological enhancements on private property.

LU270((((~~257 Citywide~~))Identify and designate appropriate land for water-dependent business and industrial uses as follows: ((~~objectives for different types of water-dependent businesses and industries:~~))

1. Cargo Handling Facilities:

a. Reserve space in deep water areas with adequate vessel maneuvering areas((~~backup space~~)) to permit the Port of Seattle and other marine industries to remain competitive with other ports.

b. Work with the Port of Seattle to develop a long-range port((~~harbor~~)) plan in order to provide predictability for property owners and private industry in the Duwamish and in Elliott Bay.

2. Tug & Barge Facilities**:** Retain Seattle's role as the Gateway to Alaska and ensure ample area is designated for uses that serve((~~maintain space for~~)) Puget Sound and Pacific trade.

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3. Shipbuilding, Boat Building & Repairs: Maintain a critical mass of facilities in Seattle in order to meet the needs of the diverse fleets that visit or have a home port in Seattle, including fishing, transport, recreation and military vessels.

4. Moorage: Meet the long-term and transient needs of ((~~all of Seattle's~~)) ships and boats, including fishing, transport, recreation and military. ((~~Locate~~))Support long-term moorage in sheltered areas close to services, and short-term moorage in more open areas. Support the efficient use of Fishermen's Terminal, ((~~the~~))Shilshole Bay Marina and other public moorage facilities. ((~~Reduce the~~))Protect commercial and recreational moorage from displacement ((~~of commercial moorage by recreational moorage~~))by encouraging the full use of submerged lands for recreational moorage in areas less suited for commercial moorage and less sensitive to environmental degradation. Require large recreational marinas to provide some commercial transient moorage as part of their facilities.

5. Recreational Boating: Maintain diverse opportunities for recreational boaters to access the water.((~~Seattle's unofficial status as a "boating capital."~~)) Allow a variety of boating facilities, from launching ramps for small "car top" or 'hand-carried" boats to major marinas. Encourage recreational moorage by providing both long-term and short-term moorage at marinas and short-term moorage at cultural and recreational sites.((~~Provide long-term recreational moorage for residents and sufficient short-term moorage close to cultural and recreational centers for visitors.~~))

6. Passenger Terminals: Maintain and expand the opportunity for ((~~residents and visitors~~))convenient travel by ship to local and distant ports for residents and visitors. Encourage ((~~more~~))passenger-only ferries on the Central Waterfront.

7. Fishing Industry: Maintain a critical mass of support services including boat building and repair, moorage, fish processors, and supply houses to ((~~permit~~))allow Seattle fishermen to continue to service and have a home-port for their vessels in Seattle waters. Recognize the importance of the local fishing industry in supplying local markets and restaurants. Recognize

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the economic contribution of distant-water fisheries to Seattle's maritime and general economy.

LU271 Allow multi-use developments including uses that are not water-dependent or water-related where the demand for water-dependent and water-related uses is less than the land available or if the use that is not water-dependent is either limited in size, provides a benefit to existing water-dependent and water-related uses in the area or is necessary for the viability of the water-dependent uses. Such multi-use development shall provide shoreline ecological restoration, which is preferred, and/or additional public access to the shoreline to achieve other Shoreline Master Program goals.

shoreline recreation ((~~goals~~))

LUG57((~~53~~)) Manage and optimize publicly owned shorelines that are suitable for public recreation ((~~to optimize their potential~~)).

LUG58((~~54~~)) Increase ((~~the amount of~~))shorelines dedicated to public recreation and open space.

LUG59((~~55~~)) Identify, protect and reserve for public use and((~~/or~~)) enjoyment ((~~those~~))areas in the Shoreline District ((~~containing special shoreline qualities that cannot be easily duplicated~~))that provide a variety of public access activities and that connect to other public access sites so that public access is available throughout the City.

LUG60 Allow increased opportunities for the public to enjoy water-dependent recreation, including boating, fishing, swimming, diving and enjoyment of views.

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((~~recreation policies~~))

((~~LU258~~ ~~Allow for increased opportunity for the public to enjoy water-dependent recreation including boating, fishing, swimming, diving and enjoyment of views.~~))

LU272((~~259~~)) Designate ((~~as suited~~))for water-dependent recreation, areas ((~~having~~))where there are natural beaches, large amounts of submerged land ((~~for moorage~~))or sheltered water((~~s~~)) and ((~~the absence of~~))where there is minimal heavy ship traffic ((~~and incompatible~~))or land suitable for heavy ((~~industry.~~))industrial activity, while protecting ecological functions.

LU273((~~260~~)) Provide for recreational boating facilities including ((~~terminals,~~)) moorage and service facilities on publicly-owned land and encourage the provision of such facilities on private property((~~, if the environmental impact is acceptable.~~)) in appropriate areas that minimize environmental impacts.

LU274((~~261~~)) Increase publicly-owned shorelines, giving priority to those areas of the City that lack recreational facilities.

LU275((~~262~~)) Explore alternatives to ((~~means (other than~~))acquisition((~~) to provide~~)) for providing public recreation at the shoreline and on the water.

LU276((~~263 Use~~))Identify submerged lands that could be used for underwater parks((~~when feasible~~)).

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shoreline archaeological and historic resources((~~history, culture, restoration & enhancement goals~~))

((~~**LUG56** Appropriately designate sites and areas of shoreline having historic or cultural significance.~~))

LUG61 Encourage the restoration, preservation and maintenance of areas of the shoreline having significant archaeological and historical importance.

LUG62((~~57~~)) ((~~Support and e~~))Encourage the restoration of ((~~those areas or conditions~~))archaeological and historic features of the shoreline ((~~now unsuitable for private or public use,~~))where consistent with economic and environmental goals.

((~~**LUG58** Upgrade and/or beautify the public shoreline.~~))

((~~history, culture, restoration & enhancement policies~~

~~**LU264** Support and encourage the restoration, preservation and maintenance of areas of the shoreline having significant historical or cultural significance, and a program for shoreline restoration and beautification.~~

~~**LU265** Consider protection of individual sites or aspects of areas identified as being of historical significance through landmark designation.~~**))**

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LU277 Designate, protect, preserve and support restoration of sites and areas of the Shoreline District having historic or cultural significance, including through landmark designation where appropriate.

LU278 Avoid impacts to areas identified as archaeologically and historically significant, unless no reasonable alternative locations exist and impacts to the resource are mitigated.

((~~process goal~~

~~**LUG59** Continue shoreline planning by periodically updating the inventory, goals, policies and regulations to respond to changing attitudes and conditions in Seattle's shorelines.~~

~~process policy~~

~~**LU266** Conduct periodic assessments of the performance of and the need for change in the Shoreline Master Program.~~

~~area objectives for seattle's shorelines goals~~

~~**LUG60** Recognize the unique opportunities in different areas of our shorelines to accommodate different types of water-dependent businesses and shoreline recreation, and to protect and enhance natural areas and views of the water.~~

~~**LUG61** Restore Lower Duwamish Watershed habitat while maintaining the urban industrial nature of the area, its neighborhoods and the importance of sustaining a healthy and diverse working waterfront and marine ecology.~~

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~~**LG62** Strengthen the vitality of a functioning ecosystem within the Lower Duwamish Watershed by integrating projects into their surrounding environments, by supporting a diversity of habitats, and by strengthening connections between habitats throughout the Watershed.~~

~~area objectives for seattle's shorelines policies~~

~~**LU267** The Lower Duwamish Watershed Habitat Restoration Plan (December, 1996, as may be amended from time to time) should be considered by agencies when conducting planning or permitting activities within the watershed.~~

~~**LU268** It is the intent of the Area Objectives to indicate which of the Shoreline Areas Goals and Policies are to be met on each specific section of shoreline. The Management System for Appropriate Uses as required by the Shoreline Management Act shall consist of the Area Objectives for the diverse areas of Seattle's shorelines, the purposes of the shoreline environments, the shoreline environment designations, and the use regulations and development standards of the Land Use Code.~~

~~**LU269** The area objectives for Seattle Shorelines illustrated in Land Use Figure 1 are as follows:~~

~~1. Area Objectives For Shorelines Of Statewide Significance~~

~~a. Puget Sound (Residential/ Recreational Areas) (The Puget Sound area includes all of the shorelines on Puget Sound within the City limits, except the Shilshole area, Elliott Bay, the Harborfront and the Duwamish Waterways.)~~

~~• Protect the fragile ecology of the natural beaches and fish migration routes.~~

~~• Encourage and enhance shoreline recreational activities, particularly in developed parks.~~

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~~• Provide for quality public access to the shoreline.~~

~~• Preserve and enhance views of the water.~~

~~• Protect areas developed for residential use in a manner consistent with the Single-family and Multi-family Residential Area Policies.~~

~~b. Elliott Bay (The Elliott Bay area is all shoreline area from 24th Avenue West to SW Atlantic Street, except the Harborfront, Harbor Island and the Duwamish Waterways.)~~

~~• Reserve waterfront lots for major port terminals, large water-dependent and water-related manufacturing and industrial facilities, and major water-dependent recreational developments.~~

~~• Choose shoreline environments that are appropriate for recreational and industrial uses based on water depth, amount of dry land, topography, and truck and rail access.~~

~~• Protect and enhance migratory fish routes and feeding areas.~~

~~c. Harborfront (Central Waterfront) (The Harborfront area is the shoreline area from Bay Street on the north to S. Jackson Street on the south.)~~

~~• Encourage economically viable marine uses to meet the needs of waterborne commerce.~~

~~• Facilitate the revitalization of downtown's waterfront.~~

~~• Provide opportunities for public access and recreational enjoyment of the shoreline.~~

~~• Preserve and enhance elements of historic and cultural significance.~~

~~• Preserve views of Elliott Bay and the land forms beyond.~~

~~d. The Duwamish (The Duwamish area includes the Duwamish river from the south city limits north to South Massachusetts on the east side and Southwest Bronson Street on the west side, and including Harbor Island and the East and West Duwamish Waterways.)~~

~~• Preserve the statewide interest by encouraging industrial and port uses in this area, where such uses are already concentrated, while also protecting migratory fish routes.~~

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~~• Protect Kellogg Island as an important natural resource for fish and wildlife habitat and the opportunity for the public to view those resources.~~

~~• Work with appropriate government agencies and shoreline users to reduce the input of pollutants, restore contaminated areas and regulate disposal of dredge spoils.~~

~~• Increase public access and recreational opportunities through the Duwamish Public Access Plan.~~

~~e. The Shilshole Area (The Shilshole area is the shoreline area from NW 80th Street on the north, to the Chittenden Locks.)~~

~~• Retain the strong, water-dependent recreational character of the area. Water-dependent recreational uses and their supporting services are the preferred uses for this area.~~

~~• Permit non-water-dependent commercial uses when providing access to the water, protecting views and not usurping land usable for future water-dependent recreational uses.~~

~~• On waterfront lots, new residential uses may be permitted when adjacent to existing residences. Protect the fish migration routes.~~

~~f. Lake Washington and Union Bay (The Lake Washington area is the shoreline area on Lake Washington from the north to south city limits, including Union Bay, to the Montlake Bridge.)~~

~~• Preserve the resources of natural areas and fish migration, feeding areas and spawning areas.~~

~~• Provide quality public access to the shoreline by encouraging and enhancing shoreline recreational activities, particularly in developed parks.~~

~~• Preserve and enhance views of the water.~~

~~• Protect developed residential and commercial areas in a manner consistent with adopted land use policies.~~

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~~Union Bay:~~

~~• Protect fragile natural environments.~~

~~• Provide opportunities for the public to enjoy the natural environment.~~

~~2. Area Objectives For Other Shoreline Areas~~

~~a. The Ship Canal (The Ship Canal area includes the Lake Washington Ship Canal from the Chittenden Locks to the Fremont Bridge.)~~

~~• Retain and encourage the important role that the Ship Canal plays in state, regional and local fisheries by reserving the Ship Canal primarily for water-dependent and water-related uses. Non-water-dependent uses shall be restricted, prohibited or allowed only on a limited basis by the selection of shoreline environments that favor water-dependent uses.~~

~~• Encourage the development of non-water-dependent commercial, institutional and manufacturing uses on those areas of the Fremont Cut that do not have water access.~~

~~b. Lake Union and Portage Bay (The Lake Union area is all of Lake Union from the Fremont Bridge to the Montlake Bridge, and all of Portage Bay, from the I-5 Bridge to the Montlake Bridge.)~~

~~• Maintain and encourage a diversity of uses around Lake Union and Portage Bay by designating different areas of the shoreline with different shoreline environments.~~

~~• Retain the working character of Lake Union by reserving those areas of the lake's shorelines that are suitable for water-dependent uses for the use of marine businesses. Prohibit new residential uses on industrial shorelines.~~

~~• Allow a greater mix of uses, including non-water-dependent uses providing public access, in those areas that are not being preserved for water-dependent uses.~~

~~• Preserve the existing floating home community.~~

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~~• Provide a maximum amount of public access in locations that do not conflict with water-dependent manufacturing uses.~~

~~• Provide for some open water and protect views of the Lake and Bay in all environments in Lake Union and Portage Bay.~~

~~• Restore and enhance and Lake's natural environment.~~

~~c. Green Lake (The Green Lake area includes the lake, the park and its 200 foot-wide shoreline.)~~

~~• Encourage and enhance the shoreline recreational activities and opportunities in the area as a unique urban park.~~

~~• Explore restoration options for improving water quality, reducing algae and other plant growth, and enhancing sports fishing.~~))

shoreline environments

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

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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).

conservancy shoreline environment goals and policies

LUG63 The conservancy shoreline environments are intended to provide for navigation, public access, recreation, protection and restoration and enhancement of ecological functions in the Shoreline District, while allowing some development if designed to protect ecological functions.

Conservancy Management (CM) Environment.

LUG64 The purpose of the Conservancy Management Environment is to preserve and enhance the shoreline environment while providing opportunities for shoreline recreation.

LU279 Encourage restoration of ecological functions in areas where such function has been degraded.

LU280 Accommodate water-oriented public infrastructure projects or such projects that require a waterfront location and that are compatible with the ecological functions of the area.

Conservancy Navigation (CN) Environment

LUG645 The purpose of the Conservancy Navigation Environment is to preserve the shoreline environment while providing navigational use of the water.

LU281 Allow in-water and over-water structures that are primarily for navigational purposes.

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LU282 Enhance and restore ecological function, where feasible, in areas where such function has been previously degraded.

Conservancy Preservation (CP) Environment

LUG66 The purpose of the Conservancy Preservation Environment is to preserve, enhance and restore the ecological functions in the Shoreline District.

LU283 Prohibit uses that substantially degrade the ecological functions or natural character of the shoreline.

LU284 Prohibit commercial and industrial uses and non-water-oriented recreation.

LU285 Prohibit parking that can be located outside the CP area.

LU286 Limit access and utilities to those necessary to sustain permitted uses and activities.

Conservancy Recreation (CR) Environment

LUG67 The purpose of the Conservancy Recreation Environment is to preserve and enhance the shoreline environment while providing opportunities for shoreline recreation.

LU287 Prioritize public access, water-dependent recreation and other water-oriented uses compatible with ecological protection.

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LU288 Locate public access and public recreation only where the impacts on ecological functions can be effectively mitigated.

Conservancy Waterway (CW) Environment.

LUG68 The purpose of the Conservancy Waterway Environment is to preserve and enhance the shoreline environment while providing access to the shoreline and water by watercraft.

LU289 Provide navigational access to adjacent properties, access to and from land for the loading and unloading of water craft and temporary moorage.

LU290 Allow in- and over-water structures only where needed for navigational purposes, temporary moorage, minor vessel repair, pedestrian bridges and/or ecological restoration.

LU291 Minimize impacts on navigation, public views and ecological functions.

urban shoreline environment goal

LUG69 The urban shoreline environments are intended to provide for increased development of the shoreline for residential, commercial and industrial uses while protecting ecological functions.

Urban Commercial (UC) Environment

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LUG70 The purpose of the Urban Commercial Environment is to provide for water-oriented uses of the shoreline and for uses that are not water-oriented when shoreline restoration and enhancement or public access is provided.

LU292 Allow uses that are not water-oriented only when in combination with water-dependent uses or in limited situations where they do not conflict with or limit opportunities for water-dependent uses or on sites where there is no direct access to the shoreline.

LU293 Require visual access to the water through view corridors or other means for commercial and larger multifamily residential projects.

LU294 Provide for public access to the shoreline and require shoreline environmental restoration and enhancement for uses that are not water-dependent.

Urban General (UG) environment

LUG71 The purpose of the Urban General Environment is to provide for commercial and industrial uses in the Shoreline District where water access is limited.

LU295 Allow commercial and industrial uses that are not water-dependent or water-related.

LU296 Require visual public access where feasible.

Urban Harborfront (UH) Environment

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LUG72 The purpose of the Urban Harborfront Environment is to provide for water-oriented uses (uses that are water-dependent, water-related, water-enjoyment or a combination of such uses) of the shoreline and for a mix of uses that are water-oriented and not water-oriented on lots where shoreline restoration and enhancement or public access is provided.

LU297 Allow a mix of uses in recognition of this environment's roles in tourism and transportation, while ensuring a high degree of public access and recognizing the historic, environmental and anthropogenic natures of this area.

LU298 Allow uses that are not water-oriented as part of mixed-use developments or in circumstances where they do not conflict with or limit opportunities for water-oriented uses.

LU299 Allow uses that are not water-oriented on sites where there is no direct access to the shoreline.

LU300 Allow uses that reflect the diversity of development in the area and support adjacent retail and the tourism industry. On waterfront lots provide public access and opportunities for large numbers of people to access and enjoy the water in the form of restaurants and water-dependent recreational activities. Allow a broader range of uses on upland lots to support the tourist industry and retail core.

LU301 Maintain and enhance views of the water and the landforms beyond the water to augment the harborfront's pedestrian environment and status as an important waterfront destination. Encourage connections to east/west corridors and waterfront trails.

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LU302 Encourage and provide for physical public access to the water, where appropriate and feasible.

LU303 Development should support or enhance the existing historic character of the urban harborfront while balancing the need for ecological enhancement.

Urban Industrial (UI) Environment

LUG73 The purpose of the Urban Industrial Environment is to provide for water-dependent and water-related industrial uses on larger lots.

LU304 Allow uses that are not water-dependent to locate on waterfront lots in limited circumstances and in a limited square footage on a site as part of development that includes water-dependent or water-related uses, where it is demonstrated that the allowed uses will benefit water-dependent uses and where the use will not preclude future use by water-dependent uses.

LU305 Allow uses that are not water-dependent or water-related where there is no direct access the shoreline.

Urban Maritime (UM) Environment

LUG74 The purpose of the Urban Maritime Environment is to provide for water-dependent and water-related industrial and commercial uses on smaller lots.

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LU306 Design public access to minimize interference with water-dependent, water-related and industrial uses and encourage that public access be located on street ends, parks and other public lands.

LU307 Allow uses that are not water-dependent to locate on waterfront lots in limited circumstances and in a limited square footage on a site as part of development that includes water-dependent or water-related uses, where it is demonstrated that the allowed uses will benefit water-dependent uses and where the use will not preclude future use by water-dependent uses.

LU308 Allow uses that are not-water-dependent or water-related on lots where there is no direct access to the shoreline.

Urban Residential (UR) Environment

LUG75 The purpose of the Urban Residential Environment is to provide for residential use in the Shoreline District when it can be developed in a manner that protects shoreline ecological functions.

LU309 Provide for single-family residential use of the shoreline in areas that are not suited for industrial and commercial use, habitat protection or public access.

LU310 Provide development standards that allow residential development and protect ecological functions, such as shoreline armoring standards and structure setback regulations.

LU311 Multifamily development is not a preferred use in the Shoreline District and should be limited to locations where allowed as of January 2011.

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LU312 Require public access as part of multifamily development of greater than four units.

LU313 Provide for access, utilities and public services to adequately serve existing and planned development.

shorelines of statewide significance

In addition to the goals and policies of each shoreline environment the following goals apply to all shorelines of statewide significance under the jurisdiction of the Shoreline Master Program, which include: Puget Sound, the Duwamish River (shorelines from the south city limits north to South Massachusetts on the east side and Southwest Bronson Street on the west side, and including Harbor Island and the East and West Duwamish Waterways), Lake Washington and Union Bay to the Montlake Bridge, as illustrated in Land Use Figure 1.

LU314 Protect the ecology of natural beaches and fish migration routes, including the natural processes associated with feeder bluffs.

LU315 Encourage and enhance shoreline recreational activities, particularly in developed parks.

LU316 Provide for quality public access to the shoreline.

LU317 Preserve views of Puget Sound and the land forms beyond, as well as views of Lake Washington and Union Bay.

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LU318 Preserve and enhance the resources of natural areas and fish migration routes, feeding areas and spawning areas.

height in the shoreline district((~~policy~~))

LU319((~~270~~)) The 35-foot height limit provided in((~~of~~)) the Shoreline Management Act shall be the standard for maximum height in the Seattle Shoreline District. Exceptions in the development standards of a shoreline environment may be made consistent with the Act and with underlying zoning and special districts where:

1. a greater height will decrease the impact of the development on the ecological condition;

2. a greater height will not obstruct views from public trails and viewpoints;

3((~~a~~)). a greater height will not obstruct shoreline views from((~~of~~)) a substantial number of residences, and will serve a beneficial((~~the~~))public interest ((~~will be served~~)); or((~~and~~))

4((~~b~~)). greater height is necessary for bridges, or equipment ((~~the operational needs~~))of water-dependent or water-related uses or manufacturing uses.((~~; or~~

~~c. greater height is necessary to allow for the replacement of the State Route 99 Viaduct (only for seawall reconstruction and either a tunnel with a surface roadway or a surface roadway); or~~

~~d. a reduced height is warranted because of the underlying residential zone; or~~

~~e. a reduced height is warranted because public views or the views of a substantial number of residences could be blocked.~~))

LU320 Heights lower than 35 feet:

1. shall be the standard for structures overwater; and

2. where a reduced height is warranted because of the underlying residential zone; or

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3. where a reduced height is warranted because public views or the views of a substantial number of residences could be blocked

SMP process

LUG76 Continue shoreline planning by periodically updating the inventory, goals, policies and regulations to respond to changing priorities and conditions in Seattle's shorelines.

LU321 Conduct periodic assessments of the performance of and the need for change in the Shoreline Master Program.

Section 2. Chapter 23.60 of the Seattle Municipal Code, is repealed as shown in Exhibit A.

Section 3. A new Chapter 23.60A , Seattle Shoreline Master Program Regulations, is added to Title 23 of the Seattle Municipal Code, as follows:

Subchapter I: Purpose and Policies

23.60A.001 Definition of the Seattle Shoreline Master Program

The Seattle Shoreline Master Program comprises the Shoreline Goals and Policies in the Seattle Comprehensive Plan, Seattle Shoreline Master Program Regulations, the maps of the Shoreline District showing the locations of shoreline environments, and the Restoration and Enhancement Plan required by WAC 173-26-201(2)(f), attached as Exhibit C to this ordinance.

23.60A.002 Title and purpose

A. This Chapter 23.60A shall be known as the "Seattle Shoreline Master Program Regulations."

B. It is the purpose of this Chapter 23.60A to implement the policy and provisions of the Shoreline Management Act and the Shoreline Goals and Policies of the Seattle Comprehensive

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Plan, as well as the City's interest in the public health, safety and welfare, by regulating development, uses and shoreline modifications of the shorelines of the City in order to:

1. Protect the ecological functions of the shoreline areas;

2. Encourage water-dependent uses;

3. Provide for maximum public access to, and enjoyment of the shorelines of the City; and

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

23.60A.004 Shoreline goals and policies

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's Comprehensive Plan. The Shoreline Goals and Policies and the purpose and location criteria for each shoreline environment designation contained in Section 23.60A.220 shall be considered in making all discretionary decisions in and adjacent to the Shoreline District where the intent of the Land Use Code is a criterion and the proposal may have an adverse impact on the Shoreline District. They shall also be used by the Director in the promulgation of rules and in interpretation decisions. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions.

Subchapter II: Compliance

Part1 Compliance

23.60A.010 Shoreline District established

A. There is established the Shoreline District that includes all shorelines of the City over which it has jurisdiction, the boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended or with lands held in trust for Indian Tribes, the criteria or the laws for Indian trust lands shall control.

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B. All property located within the Shoreline District is subject both to the standards of the applicable zone and to the requirements imposed by this Chapter 23.60A and any other overlay district except as provided in Section 23.60A.016.

23.60A.012 Inconsistent development prohibited

No development shall be undertaken, no shoreline modification shall be made, and no use, including a use that is located on a vessel, shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act and the regulations of this Chapter 23.60A. This restriction applies even if no shoreline substantial development permit is required.

23.60A.014 Liberal construction

A. This Chapter 23.60A is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of RCW 90.58, the State Shoreline Management Act. The standard in this Chapter 23.60A that is most restrictive applies.

B. This Chapter 23.60A shall not be used when construing other chapters of this Title 23 except for actions in the Shoreline District or as stated in subsections 23.60A.016.B and 23.60A.016.C.

23.60A.016 Regulations supplemental

A. The regulations of this Chapter 23.60A are superimposed upon and modify the underlying zones in the Shoreline District. The regulations of this Chapter 23.60A supplement other regulations of this Title 23 as set out in subsections 23.60A.016.B and 23.60A.016.C.

B. Uses and shoreline modifications. To be allowed in the Shoreline District, a use or a shoreline modification must be allowed in both the shoreline environment, the underlying zone and any other overlay district in which it is located.

C. Development Standards

1. A development, shoreline modification, or use in the Shoreline District shall meet the development standards of Chapter 23.60A, the underlying zone and any other overlay

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district in which it is located. In the case of irreconcilable conflicts between the regulations of Chapter 23.60A and the underlying zone or overlay district, Chapter 23.60A applies, except as provided in this subsection 23.60A.016.C.

2. The height limit for a structure in the Shoreline District is the lower of the height limits provided in the shoreline environment, the underlying zone, or overlay district, except in the Urban Harborfront (UH) Environment, where the shoreline height limit controls.

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

4. Yards and/or setbacks of the underlying zone may be reduced or waived for lots subject to view corridor requirements, in accordance with Section 23.60A.170, and to preserve buffers and riparian management areas in environmentally critical areas as allowed in Section 23.60A.156.

5. Within the Shoreline District, submerged lands are not counted in calculating lot area for purposes of minimum lot area.

6. Measurements in the Shoreline District are regulated in this Chapter 23.60A, Subchapter XVII, Measurements.

7. Seattle Construction Limit Line

a. Established. There is established along the shores of Lake Union and waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle Construction Limit Line is as shown on the Official Land Use Map Chapter 23.32.

b. Unlawful Construction--Exceptions. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the Seattle Construction Limit Line, except such buildings or structures as are expressly authorized by the laws of the United States or State of Washington; provided, any residential structure located in

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whole or in part beyond the Seattle Construction Limit Line prior to December 18, 1968, is allowed as a nonconforming structure and is regulated pursuant to Section 23.60A.124.

D. Nothing in this Chapter 23.60A changes the legal effect of existing approved Major Institution Master Plans adopted pursuant to Chapter 23.69 or Ordinance 121041.

23.60A.018 Non-regulated actions

Except as specifically provided otherwise, the regulations of this Chapter 23.60A do not apply to the operation of boats, ships and other vessels designed and used for navigation, other than moorage of vessels and uses on vessels unrelated to navigation; nor to the vacation and closure, removal or demolition of buildings determined by the Director to be unfit for human habitation pursuant to the Seattle Housing Code; nor to correction of conditions found by the Director to be in violation of the minimum standards of Chapters 22.200, et seq., of the Seattle Housing Code; nor to the demolition of a structure pursuant to an ordinance declaring it to be a public nuisance and providing for summary abatement; nor to actions taken pursuant to environmental excellence program agreements entered into under RCW 43.21K.

23.60A.020 Permits and exemptions

A. Shoreline substantial development permit required

1. A shoreline substantial development permit is required prior to undertaking any development unless the Director determines the development is not substantial development or has issued an exemption under this Section 23.60A.020. Development does not include demolition, except when the Director determines that such demolition will have a major impact upon the character of the shoreline.

2. Criterion for requiring a shoreline substantial development permit

a. "Substantial development" means any development for which the total cost or fair market value exceeds $6,416, as adjusted under RCW 90.58.030(3)(e), or any development that materially interferes with the normal public use of the water or shorelines of

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the City. The dollar threshold will be recalculated and published in the Washington State Register every five years with the next recalculation to occur in 2017.

b. A development, shoreline modification, or use that does not meet the definition of substantial development or that has received an exemption from the shoreline substantial development permit process shall comply with the Shoreline Management Act, the provisions of this Chapter 23.60A, and any other regulatory requirements.

3. A development, shoreline modification, or use that is listed as a shoreline conditional use in this Chapter 23.60A or that is not identified in the shoreline environment where it is proposed to be located and is allowed in the underlying zone and special district requires a shoreline conditional use permit under this Chapter 23.60A, even if the development, shoreline modification, or use does not otherwise require a shoreline substantial development permit.

4. A development or shoreline modification that does not comply with the bulk, dimensional or performance standards of this Chapter 23.60A may only be authorized by a variance under this Chapter 23.60A, even if the development or shoreline modification does not otherwise require a shoreline substantial development permit.

5. Repair and maintenance of an existing development, shoreline modification, or use that was authorized by a special use, shoreline conditional use, or shoreline variance does not require approval of a special use permit, shoreline conditional use permit, or shoreline variance, if no expansion occurs; if expansion would occur, the permit process is the process applicable to the type of development, use, or shoreline modification as if it were a new application under the Shoreline Master Program in effect when the application for such repair and maintenance is made.

B. Application and interpretation of exemptions

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1. The applicant has the burden of proof that an action is not development, that a development is not substantial development, and that a substantial development is exempt from the shoreline substantial development permit process.

2. Exemption interpretation

a. Exemptions shall be construed narrowly.

b. Substantial developments that meet the precise terms of one or more of the listed exemptions may be granted an exemption from the shoreline substantial development permit process.

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

3. The Director may attach conditions to the approval of exempted developments as necessary to assure consistency of the project with the Shoreline Management Act and this Chapter 23.60A.

C. Exemptions. The following substantial developments are exempt from obtaining a shoreline substantial development permit from the Director:

1. “Normal maintenance” or repair of existing structures or developments, including damage by accident, fire or elements.

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

b. Replacement of a structure or development is repair if such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but

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not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.

2. Construction of a “normal protective bulkhead” common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. Construction of a normal protective bulkhead or repair is exempt if:

a. It is not constructed for the purpose of creating dry land;

b. A vertical wall is being constructed or reconstructed, and not more than 1 cubic yard of fill per 1 foot of wall may be used as backfill;

c. An existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, and it is constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;

d. A bulkhead has deteriorated such that an ordinary high water (OHW) mark has been established by the presence and action of water landward of the bulkhead, and the replacement bulkhead is located at or near the actual OHW mark; and

e. Beach nourishment, or non-structural or soft stabilization is proposed; such projects may be considered a normal protective bulkhead if all structural elements are consistent with the requirements of this subsection 23.60A.020.C.2 and if the project has been approved by the Washington Department of Fish and Wildlife (WDFW).

3. Emergencies

a. Emergency construction necessary to protect property from damage by the elements if:

1. It does not include creation of new permanent protective structures where none previously existed; or

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2. If new protective structures are deemed by the Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58 or these regulations shall be obtained; and

3. Flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

b. Upon abatement of the emergency situation the new structure shall be removed or any permit, which would have been required, absent an emergency, pursuant to RCW 90.58 or these regulations, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

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

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

6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence, for his or her own use or for the use of his or her family, that does not exceed a height of 35 feet above average grade level and meets all requirements of the City.

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Construction authorized under this exemption shall be located landward of the OHW mark. For the purpose of this exemption:

a. Single family residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership that are a normal appurtenance.

b. A normal appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHW mark and the perimeter of a wetland. Normal appurtenances include, but are not limited to, a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading that does not exceed 250 cubic yards and that does not involve placement of fill in any wetland, riparian watercourse or waterward of the OHW mark.

7. Construction of a pier accessory to residential structures, including a community pier, designed for pleasure craft only for the private noncommercial use of the owners, lessee or contract purchaser of a single-family or multifamily residence. For the purpose of this exemption a pier is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

a. In saltwater, which includes Puget Sound, Elliott Bay, Shilshole Bay, the Harborfront and the Duwamish River and all associated bays and inlets, the fair market value of the pier accessory to residential structures does not exceed $2,500; or

b. In freshwater, the fair market value of the pier accessory to residential structures does not exceed $10,000; but if subsequent construction having a fair market value exceeding $2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Chapter 23.60A .

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an

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irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

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

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

11. Actions under a certification from the Governor pursuant to RCW 80.50.

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Chapter 23.60A, if:

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

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

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

d. A private entity seeking development authorization under this Section 23.60A.020 first posts a performance bond or provides other evidence of financial responsibility to the Director to ensure that the site will be restored to preexisting conditions; and

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

13. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other chemical treatment methods applicable

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to weed control that is recommended by a final environmental impact statement published by the department of agriculture or Ecology jointly with other state agencies under RCW 43.21C.

14. Watershed restoration projects that implement a watershed restoration plan and meet the following criteria: The Director shall review the projects for consistency with its Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section 23.60A.020.

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

a. The project has been approved in writing by WDFW as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the purpose;

b. The project has received Hydraulic Project Approval by WDFW pursuant to RCW 75.20; and

c. The project is consistent with the City's Shoreline Master Program. This determination shall be made in a timely manner and provided to the project proponent in writing. A fish habitat enhancement project that conforms to RCW 77.55.290 is deemed to be consistent with this Chapter 23.60A.

16. Hazardous substance remedial actions for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in conjunction with The City of Seattle, assure that such projects comply with the substantive requirements of RCW 90.58 and the Seattle Shoreline Master Program.

17. Temporary development of four weeks or fewer if the development:

a. Does not remove any native vegetation;

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b. Does not remove any trees greater than 6 inches DBH;

c. Does not include the erection of a permanent structure; and

d. Does not cause or contribute to permanent adverse impacts to ecological functions and mitigates any temporary adverse impacts to ecological function including impacts caused by overwater structures.

18. Development on that portion of land that is brought under shoreline jurisdiction due to a lawful shoreline restoration project creating a landward shift in the OHW mark, except when substantial development is proposed that would be partly on such land and partly on other land within the Shoreline District.

D. Developments proposed in the Shoreline District may require permits from other governmental agencies. A permit issued by the City may be subject to rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders, or statutes.

23.60A.022 Application when development partly out of Shoreline District

A. The use and development standards of this Chapter 23.60A apply to that part of the development, shoreline modification, or use that occurs within the Shoreline District unless the underlying zone requires the entire development, shoreline modification, or use to comply with all or part of this Chapter 23.60A.

B. If a substantial development is proposed that would be partly within the Shoreline District, a shoreline substantial development permit is required for the entire development, except that a shoreline substantial development permit is not required for:

1. Those portions of a linear transportation use such as light rail tracks, track support structure or tunnels that are outside the Shoreline District; and

2. For discrete facilities, such as stations, that are wholly outside the Shoreline District.

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C. The use and development standards, including measurement techniques, for that portion of the development outside of the Shoreline District are as provided by the underlying zone or other special district standards.

23.60A.024 Development of lots split into two or more shoreline environments

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

23.60A.026 Fee schedule

Permit and other shoreline-related fees are as described in the Permit Fee Ordinance, Title 22.

23.60A.027 Habitat Evaluation Procedures

A. Director's Rule

1. The Director by rule may establish procedures to evaluate ecological functions in the Shoreline District using a system of habitat units.

2. In developing the Director's Rule, the Director shall consult with relevant state and federal regulatory agencies and include affected stakeholders.

B. The procedures shall:

1. Use appropriate scientific and technical information to determine, measure and/or quantify ecological functions; including relative proximity to the ordinary high water mark; and

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.

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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.

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.

23.60A.028 Payment for habitat units

A. Mitigation

1. If mitigation actions pursuant to subsections 23.60A.152.A and 23.60A.158.B.1.e (Step E) or under Chapter 25.05 (SEPA) are required, the Director is authorized to allow the payment of fees in lieu of some or all of the mitigation required, if the applicant requests. Fees shall be paid into a fund for ecological restoration, creation, rehabilitation, and/or enhancement projects in the Shoreline District.

2. A program under subsection 23.60A.028.A.1 shall be developed and operated consistent with the federal standards for in-lieu fee programs set out in 33 CFR 332 (or as amended).

B. Other habitat units.

1. If habitat units are required under this Chapter 23.60A for purposes other than subsection 23.60A.028.A.1, the Director may authorize payment for habitat units in lieu of applicant provided habitat units, if the applicant requests. Such fees shall be paid into a fund for ecological restoration, creation, rehabilitation, and/or enhancement projects in the Shoreline District.

2. If the value of habitat units changes as a result of the review required in 23.60A.028.A.2, the same changes shall be made to the habitat units under this subsection 23.60A.028.B.

Part 2 Criteria for Application Review

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23.60A.030 Criteria for obtaining shoreline substantial development permits, special use authorizations, shoreline conditional use permits and shoreline variance permits

A. The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:

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

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

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

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

B. If the development, shoreline modification, or use is a prohibited use or if it is not a prohibited use and cannot be conditioned to meet the applicable standards, the Director shall deny the permit.

23.60A.032 Criteria for special use approvals

A. The shoreline special use process is used for uses or shoreline modifications that are identified as requiring special use approval in a particular environment.

B. The Director may approve or conditionally approve a special use if the Director finds the applicant has demonstrated:

1. The proposal complies with standards in Section 23.60A.030.

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2. The proposed use will not interfere with normal public use of public shorelines;

3. The proposed use of the site and design of the project are compatible with other allowed uses within the area;

4. The proposed use can achieve no net loss of ecological functions except when the applicant obtains a variance from this requirement under subsection 23.60A.036.C; and

5. The public interest suffers no substantial detrimental effect.

23.60A.034 Criteria for shoreline conditional use permits

A. The shoreline conditional use process may be used if either:

1. A use or shoreline modification is listed in this Chapter 23.60A as requiring shoreline conditional use approval; or

2. A use or shoreline modification is not identified in the shoreline environment where it is proposed to be located and is allowed in the underlying zone.

B. The Director may approve or approve with conditions a shoreline conditional use application if the Director finds the applicant has demonstrated that the proposed use or shoreline modification:

1. Complies with the criteria in WAC 173-27-160 and the Shoreline Policies in the Comprehensive Plan;

2. Complies with standards in Section 23.60A.030;

3. Complies with all additional shoreline conditional use criteria in this Chapter 23.60A for the specific use or shoreline modification listed as a shoreline conditional use; and

4. Can achieve no net loss of ecological functions, unless the applicant obtains a variance from this requirement under subsection 23.60A.036.C.

C. The Director's decision shall be transmitted to Ecology, which may approve the decision, or take further action to amend conditions, or deny the application.

23.60A.036 Criteria for shoreline variance permits

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A. Except as provided in subsection 23.60A.036.B and 23.60A.036.C, in specific cases the Director, with the approval of Ecology, may authorize a shoreline variance from bulk, dimensional, and performance standards of this Chapter 23.60A if the Director finds that the applicant has demonstrated that the request:

1. Complies with WAC 173-27-170 and the Shoreline Policies in the Comprehensive Plan;

2. Complies with standards in Section 23.60A.030;

3. Complies with any additional criteria set out in this Chapter 23.60A for granting a variance; and

4. Can achieve no net loss of ecological functions, unless a variance from this requirement is granted under subsection 23.60A.036.C.

B. Determinative standards. Standards relating to the characteristics of uses or shoreline modifications that are determinative of whether the uses or modifications are allowed, allowed as special uses, allowed as shoreline conditional uses, or prohibited in the use sections of each environment or in standards for specific uses are not subject to variance, except as follows:

1. An applicant may apply for a variance from height, bulk and scale standards.

2. An applicant may apply for a variance from other characteristics of uses or shoreline modifications by complying with the applicable variance standards of this Chapter 23.60A and also demonstrating that there is no reasonable use of the property without the variance, regardless of whether the project is waterward of the OHW mark or in a wetland.

C. No variance is allowed from the requirements to achieve no net loss of ecological functions unless the applicant demonstrates by clear and convincing evidence that the standards for a shoreline variance in WAC 173-27-170(3) are met, regardless of whether the project is waterward of the OHW mark or in a wetland, in addition to complying with other sections of this Chapter 23.60A. Notwithstanding such findings, the Director may deny the shoreline variance if the impacts are inconsistent with the public trust doctrine or the laws of nuisance, or would cause

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significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act.

D. Upon transmittal of the Director's approval to Ecology, the permit may be approved, approved with conditions, or denied by Ecology.

23.60A.038 Criteria for Council conditional use approvals

Uses that are identified in this Chapter 23.60A as requiring Council conditional use approval may be approved or approved with conditions if the Council finds the applicant has demonstrated that the use as conditioned is consistent with the Comprehensive Plan Shoreline Policies, the Shoreline Management Act, the criteria provided for each Council conditional use in the applicable environment and any additional criteria given in this Chapter 23.60A.

23.60A.041 Criteria for relief for property impacted by shift in shoreline location

A. The Director may grant an applicant relief from compliance with the requirements of this Chapter 23.60A as described in subsection 23.60A.041.B if the applicant demonstrates that:

1. A shoreline restoration project causes or would cause a landward shift in the OHW mark, resulting in the following:

a. Land that had not been regulated under this Chapter 23.60A prior to the construction of the restoration project is brought under the shoreline jurisdiction; or

b. Additional regulatory requirements apply due to a landward shift in required shoreline setbacks or other regulations of this Chapter 23.60A;

2. Application of the regulations of this Chapter 23.60A would preclude or interfere with use of the property permitted by this Title 23, thus presenting a hardship to the project proponent; and

3. The applicant was not required to undertake the restoration project as mitigation to obtain a development permit.

B. The Director may grant the applicant relief that meets the following criteria:

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1. The proposed relief is the minimum necessary to relieve the hardship;

2. After granting the proposed relief there is net environmental benefit from the restoration project; and

3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with this Chapter 23.60A.

23.60A.042 Criteria for shoreline environment redesignation

A change to the location of a shoreline environment constitutes a rezone, which requires a Council land use approval subject to the provisions of Chapter 23.76, and shall be evaluated under the following criteria:

A. The Shoreline Management Act. The proposed change is consistent with the intent and purpose of the Shoreline Management Act (RCW 90.58) and with Ecology Guidelines (WAC173-26);

B. Shorelines of Statewide Significance. If the area is within a shoreline of statewide significance, the change is consistent with the preferences for shorelines of statewide significance pursuant to RCW 90.58.020;

C. Comprehensive Plan Shoreline Environment Policies. The proposed change is consistent with the Comprehensive Plan Shoreline Environment Policies for the area where the change is proposed;

D. Harbor Areas. If the area proposed for a change in the shoreline environment is within or adjacent to a harbor area, the impact of the change on the purpose and intent of harbor areas as set out in Articles XV and XVII of the State Constitution shall be considered;

E. Consistency with shoreline environments. The proposed change is consistent with the shoreline environment purposes and locational criteria in Section 23.60A.220 and shall consider standards in Sections 23.34.007 and 23.34.008;

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F. Consistency with Underlying Zone. The proposed change is consistent with the appropriate rezone evaluation criteria for the underlying zone in Chapter 23.34 of Title 23, unless overriding shoreline considerations exist; and

G. General Rezone Criteria. The proposed change meets the general rezone standards in subsections 23.34.008.B through 23.34.008.I.

23.60A.043 Criteria for determining an action to be infeasible

In cases where this Chapter 23.60A requires certain actions unless they are infeasible, the Director may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. The burden of proving infeasibility is on the applicant.

Part 3 Procedures

23.60A.060 Procedures for shoreline environment redesignations

The location of shoreline environments may be amended according to the procedure provided for Official Land Use Map amendments in Chapter 23.76. Change in the location of a shoreline environment is a Shoreline Master Program amendment that must be approved by Ecology according to Ecology's procedures before it becomes effective.

23.60A.062 Procedures for determining consistency with the chapter and for obtaining exemptions from shoreline substantial development permit requirements

A. A determination that either a development exempt from the requirement for a shoreline substantial development permit, or a use, shoreline modification, or development that is not substantial development is consistent with the regulations of this Chapter 23.60A, as required by Section 23.60A.012, shall be made by the Director as follows:

1. If the development, shoreline modification, or use requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization.

2. If the development, shoreline modification, or use requires a Section 10 Permit under the Federal Rivers and Harbors Act of 1899, a Section 404 permit under the Federal Water

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Pollution Control Act of 1972, or a Hydraulic Project Approval permit under the State Hydraulic Code of 1943, or is located on state-owned aquatic lands, a Letter of Exemption as specified in WAC 173-27-050 and the determination of consistency shall be sent to Ecology and to Washington Department of Natural Resources (DNR) for projects on state-owned land.

3. If the development, shoreline modification or use does not require other authorizations, information of sufficient detail for a determination of consistency shall be submitted to the Director, and the determination of consistency shall be made prior to any construction or use.

B. A Letter of Exemption or other documentation satisfactory to the Department of Planning and Development is required for all development the Director determines is exempt from the requirement for a shoreline substantial development permit.

23.60A.063 Procedures for obtaining shoreline substantial development permits, shoreline special use approvals, shoreline conditional use permits and shoreline variance permits

A. Procedures for application, notice of application and notice of decision for a shoreline substantial development permit, shoreline special use approvals, shoreline conditional use permits, and shoreline variance permit are as required for a Master Use Permit in Chapter 23.76.

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

C. In addition to other requirements provided in this Chapter 23.60A, the Director may attach to the permit or authorization any conditions necessary to carry out the spirit and purpose of and to assure compliance with this Chapter 23.60A and RCW 90.58.020. Such conditions may include changes in the location, design, and operating characteristics of the development or use.

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Performance bonds not to exceed a term of five years may be required to ensure compliance with the conditions, except for public agencies.

D. Nothing in this Section 23.60A.063 shall be construed to limit the Director's authority to condition or deny a project pursuant to the State Environmental Policy Act.

23.60A.064 Procedure for limited utility extensions and bulkheads

As required by WAC 173-27-120, an application for a substantial development permit for a limited utility extension, or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this Chapter 23.60A, except that the following time periods and procedures shall be used:

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

B. The decision to grant or deny the permit shall be issued within 21 days of the last day of the comment period specified in subsection 23.60A.064.A; and

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

23.60A.065 Procedures for relief for property impacted by shift in shoreline location

A. To obtain the relief set out in Section 23.60A.041, the applicant shall submit a written application to the Director.

B. The Director shall review the application during the normal review of an application for a shoreline substantial development permit, special use approval, shoreline conditional use permit or variance, or if none of these apply, during the review of any application for authorization from the Department of Planning and Development, and if no other authorization is required, the review shall be made prior to any construction or use.

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C. Written approval by Ecology of the Director's decision to approve the application is required for the decision to be effective.

23.60A.066 Procedure and criteria for Optional Plan Shoreline Permits

A. Optional Plan Shoreline Permits

1. If a utility service use, utility line or sewage treatment plant is allowed in the Shoreline District after a determination that no reasonable alternative location exists, the applicant may request the determination whether such alternative exists be made as part of the project-specific permit application or as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This latter determination is called a "Plan Shoreline Permit" decision.

2. The Director may accept an application for a Plan Shoreline Permit if the Director finds that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one shoreline site.

3. If a Plan Shoreline Permit is approved, the applicant shall obtain a subsequent shoreline permit with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits

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

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

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3. The application shall provide the information specified in WAC 173-27-180 and this Title 23. The application shall include information on the overall system that outlines the interrelationship of shoreline and non-shoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the non-shoreline alternative(s), which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection 23.60A.066.F.

C. Type of Decision

1. Plan Shoreline Permits

a. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76 and Sections 23.60A.038 and 23.60A.067.

b. The decision on a Plan Shoreline Permit for utility lines and utility service uses shall be made by the Director as a shoreline substantial development permit, pursuant to Chapter 23.76 and Sections 23.60A.030, 23.60A.063 and 23.60A.064.

c. The Council or the Director may grant the Plan Shoreline Permit with conditions, including conditions applying mitigation sequencing as provided in Section 23.60A.158, or may deny the permit.

2. Project Specific-Substantial Development Permits

a. The decision on a project specific-Substantial Development Permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76 and Sections 23.60A.038 and 23.60A.067.

b. The decision on a project specific-Substantial Development Permit for utility lines and utility service uses for which a Plan Shoreline Permit has been issued shall be made by the Director as a shoreline substantial development permit, pursuant to Chapter 23.76 and Sections 23.60A.030, 23.60A.063, and 23.60A.064.

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

E. Appeal of Decision on a Plan Shoreline Permit. The decision of the Council for a Council conditional use or of the Director for Type II decisions on a Plan Shoreline Permit is final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60A.071. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).

F. Project-specific shoreline substantial development permits relying on a Plan Shoreline Permit. An application for substantial development that is allowed in the Shoreline District after a determination that no reasonable location alternative exists and that relies upon a Plan Shoreline Permit may be approved if it complies with the provisions of this Chapter 23.60A, including mitigation sequencing, and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance includes, but is not limited to, a determination that all of the following standards have been met:

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

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

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

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

23.60A.067 Procedure for Council conditional use authorization

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Projects required by this Chapter 23.60A to obtain Council conditional use authorization shall be processed in the following manner:

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

B. Notice of application shall be consolidated.

C. The Council conditional use shall be processed pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

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

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

23.60A.068 Procedure for phasing of developments

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

1. Regulated public access and landscaping;

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

3. The water-dependent components of a project.

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B. The Director may require that components of projects in addition to those listed in subsection 23.60A.068.A be completed before final inspection of a portion of a project or at another time during construction if the timing is necessary to comply with the Shoreline Master Program and the Shoreline Policies of the Comprehensive Plan.

23.60A.069 Procedures for shoreline design review

A. Application. The Director may require any development by a public agency on public property that has not been reviewed by the Design Commission to be reviewed for design quality by appropriate experts selected by mutual agreement between the applicant and the Director prior to approval of the development.

B. Procedure. The procedures and standards for this shoreline design review shall follow the Seattle Design Commission's Project Review Handbook for the most similar type of project. The shoreline design review may be conducted prior to an application for a shoreline substantial development permit at the request of the applicant. The cost of the shoreline design review shall be borne by the applicant.

23.60A.070 Decisions transmitted to State of Washington

A. Any decision to approve or deny an application for a shoreline substantial development permit, shoreline conditional use permit, shoreline variance permit, or revision under authority of this Chapter 23.60A shall, concurrently with the transmittal of the ruling to the applicant, be filed by the Director with Ecology, and the Attorney General by return receipt requested mail and pursuant to WAC 173-27-130.

B. For shoreline conditional use and variance decisions, the Director shall also provide notice of Ecology's final decision pursuant to WAC 173-27-200(3).

23.60A.071 Appeals

A. Any person aggrieved by the Director's decision to grant or deny a shoreline substantial development permit, a shoreline conditional use permit or a shoreline variance, or by the rescission of a permit pursuant to this Chapter 23.60A may seek review by the Shoreline

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Hearings Board by filing a petition for review within 21 days from the date of filing the decision as defined in RCW 90.58.140(6). Within seven days of the filing of any petition for review with the State Shoreline Hearings Board pertaining to the City's final decision, the petitioner shall serve copies of the petition on the Director, the Director of Ecology and the Attorney General as provided in RCW 90.58.180.

B. Review of decisions not under the authority of this Chapter 23.60A and review of decisions under the authority of this Chapter 23.60A but not required to be filed with the Director of Ecology shall occur pursuant to Chapter 23.76 and Section 23.88.020, as appropriate for the type of decision.

23.60A.072 Commencement of construction

A. No construction pursuant to a shoreline substantial development permit authorized by this Chapter 23.60A shall begin or be authorized and no building, grading or other construction permits shall be issued by the Director until 21 days from the date the Director's final decision granting the shoreline substantial development permit was filed with the Director of Ecology and the Attorney General; or until all review proceedings are terminated, if such proceedings were initiated within 21 days of the date of filing the Director's final decision as defined in RCW 90.58.140 (5) and 90.58.140(6), except as provided in subsections 23.60A.072.B, 23.60A.072.C and 23.60A.072.D.

B. Exception: Construction may be commenced no sooner than 30 days after the date of filing of a judicial appeal of a decision of the Shoreline Hearings Board approving the Director's decision to grant the shoreline substantial development permit or approving a portion of the substantial development for which the permit was granted, unless construction is prohibited until all Superior Court review proceedings are final after a judicial hearing as provided in RCW 90.58.140. Any applicant who wishes to begin construction pursuant to this Section 23.60A.072 prior to termination of all review proceedings does so at the applicant's own risk.

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C. Exception: If the permit is for a substantial development meeting the requirements of Section 23.60A.064, construction pursuant to that permit may not begin or be authorized until 21 days from the date the permit decision was filed as provided in RCW 98.58.140(6). Any applicant who wishes to begin construction pursuant to this Section 23.60A.072 prior to termination of all review proceedings does so at the applicant's own risk.

D. Exception: In the case of any permit or decision to issue a permit to the state of Washington Department of Transportation for the replacement of the floating bridge and landings of the state route number 520 Evergreen Point bridge on or adjacent to Lake Washington, construction may begin as provided in RCW 90.58.140(5). Any applicant who wishes to begin construction pursuant to this Section 23.60A.072 prior to termination of all review proceedings does so at the applicant's own risk.

23.60A.074 Effective date of shoreline substantial development permits and time limits for permit validity

The following time requirements apply to all shoreline substantial development permits and to any development authorized pursuant to a shoreline variance or shoreline conditional use permit authorized under this Chapter 23.60A:

A. Upon finding of good cause, based on the requirements and circumstances of the development, shoreline modification, or use ("project") proposed and consistent with the policy and provisions of WAC 173-27 and this Chapter 23.60A, the Director may adopt different time limits from those in subsection 23.60A.074.B as part of the decision on a shoreline substantial development permit. The Director may also, with approval from Ecology, adopt appropriate time limits as part of the decision on a shoreline conditional use or shoreline variance. "Good cause, based on the requirements and circumstances of the project," means that the time limits established are reasonably related to the time actually necessary to perform the project on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

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

1. Construction activities or substantial progress toward construction of a project or, if no construction activities are involved, the project for which a permit has been granted pursuant to this Chapter 23.60A shall be commenced within two years of the effective date of a shoreline substantial development permit or the permit shall terminate. The Director may authorize a single extension of the two year period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline substantial development permit and to Ecology;

2. If a project for which a permit has been granted pursuant to this Chapter 23.60A has not been completed within five years after the effective date of the shoreline substantial development permit, authorization to conduct construction activities shall expire unless the Director authorizes a single extension based on reasonable factors, for a period not to exceed one year, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline substantial development permit and to Ecology;

3. The effective date of a shoreline substantial development permit is the date of receipt as provided in RCW 90.58.140(6). The time periods in subsections 23.60A.074.A and 23.60A.074.B do not include the time during which a project, use or activity was not pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain other government permits and approvals for the project, use or activity, including all reasonably related administrative or legal actions on any such permits or approval; and

4. A Plan Shoreline Permit issued pursuant to Section 23.60A.066 is valid for a period of five years or as otherwise allowed by WAC 173-27-090. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination

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made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsections 23.60A.074.A and 23.60A.074.B.

23.60A.076 Revisions to permits

A. If an applicant seeks to revise a permit, the applicant shall submit detailed plans and text describing the proposed changes.

B. If the Director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2), the Director shall approve the revision with conditions to address any new impacts from the proposed changes. Within eight days of the date of approval, the approved revision, along with copies of the revised site plan and text, shall be transmitted to Ecology, the Attorney General, and copies provided to parties of record and to persons who have previously notified the Director of their desire to receive notice of decision on the original application.

C. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes that are consistent with this Section 23.60A.076 and that would not require a permit for the development or change proposed under the terms of RCW 90.58, WAC 173-27 and this Chapter 23.60A. If the proposed change constitutes substantial development then a new permit is required. Provided, this Section 23.60A.076 shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

D. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this Section 23.60A.076 are not within the scope of the permit under subsection 23.60A.076.B, the applicant shall apply for a new permit.

E. If the Director determines that the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this Chapter 23.60A.

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F. If the revision to the original permit involves a shoreline conditional use or shoreline variance, the Director shall submit the revision to Ecology for Ecology's approval, approval with conditions or denial, indicating that the revision is being submitted pursuant to WAC 173-27-100(6). Ecology shall render and transmit to the City and the applicant Ecology's final decision within 15 days of the date of Ecology's receipt of the submittal by the Director, who shall notify parties of record of Ecology's final decision.

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

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

23.60A.078 Rescission

A. The Director may rescind or suspend a shoreline substantial development permit if any of the following occur:

1. The permittee has developed the site in a manner not authorized by the permit;
2. The permittee has not complied with the conditions of the permit;
3. The permittee has secured the permit with false or misleading information; or
4. The permit was issued in error.

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B. The determination that a permit should be rescinded or suspended shall be made following a public hearing by the Director. Notice of the hearing shall be mailed to the permittee not fewer than 15 days prior to the date set for the hearing and be included in the Land Use Information Bulletin. The notice shall specify the basis for the hearing.

23.60A.082 Enforcement

Procedures for investigation and notice of violation, compliance, stop work orders, emergency orders, and the imposition of civil penalties for the violation of any requirements of this Chapter 23.60A shall be as specified in Chapter 23.90, Enforcement of the Land Use Code, and in Chapter 23.91, Citations-Hearings-Penalties, except as provided otherwise in this Chapter 23.60A.

Subchapter III: General Provisions

Part 1 Use Standards

23.60A.090 Identification of principal and accessory uses

A. In all shoreline environments all uses on waterfront lots 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:

1. Boat moorage, off-loading goods from boats, dry-docks, swimming platforms, uses on vessels authorized under Sections 23.60A.214 and 23.60A.215, or other use components that by their nature require an over water location to operate;

2. Railroad, rail transit, streets, bridges and tunnels that reasonably need to cross water that is regulated in this Chapter 23.60A; or

3. Allowed, allowed as a special use, allowed as a shoreline conditional use or allowed as a Council conditional use as a use overwater in the specific regulations for the type of use or for the shoreline environment.

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B. Any principal use allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council conditional use in a specific shoreline environment may be an accessory use using the same process as if the use were the principal use, unless the use is prohibited as an accessory use in the shoreline environment. For the purposes of this subsection 23.60A.090.B, water-based airports, heliports, and helistops shall not be considered to be accessory to a principal use and are allowed pursuant to the applicable shoreline environment.

C. A use that is prohibited as a principal use in a particular shoreline environment may be allowed as an accessory use on dry land if incidental to and necessary for the operation of a principal use that is allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council conditional use in the specific shoreline environment, using the same process as the principal use, unless the use is prohibited as an accessory use in the shoreline environment. For purposes of this subsection 23.60A.090.C, water-based airports, heliports, and helistops shall not be considered to be accessory to a principal use and are allowed pursuant to the applicable shoreline environment.

D. Standards for accessory uses

1. Accessory uses shall be located on the same development site as the principal use, except as provided in subsection 23.60A.090.D.2.

2. Accessory uses may be located off site if:

a. The accessory use is allowed as a principal use in the shoreline environment applicable to an adjacent development site, the accessory use may be located on that adjacent development site; or

b. The accessory use is parking and the parking is proposed to be located within 800 feet of the development site where the principal use is located; and

1) The parking is located in a new or existing parking structure or at an existing surface parking area; and

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2) Additional and enhanced public access is provided commensurate with the area of parking that would have otherwise occurred on the site;

3) Ecological restoration and enhancement in the form of a decrease in the amount of impervious surface and an increase in the amount of native vegetation is provided commensurate with the area of parking that would have otherwise occurred on the site; and

4) Existing surface parking is removed within the Shoreline District or the area of new or existing parking is reduced in the Shoreline District.

23.60A.092 Temporary development, shoreline modifications and uses

A. Development, shoreline modification limited to floats, and uses that will occur for four weeks or less may be exempt from obtaining a shoreline substantial development permit as provided in Section 23.60A.020; developments that are exempt shall comply with the Shoreline Management Act and the standards and provisions of this Chapter 23.60A.

B. Development or Uses for Up to Six Months

1. The Director may approve a permit for a development, shoreline modification or use for a time period of up to six months if the development, shoreline modification, or use complies with the standards and provisions of this Chapter 23.60A, except as provided in subsection 23.60A.092.B.2, and the following standards:

a. Does not include the erection of a permanent structure;

b. Does not cause or contribute to permanent adverse impacts to ecological functions and mitigates any temporary adverse impacts to ecological function;

c. Does not remove or harm native vegetation; and

d. If new impervious surface is created, this surface is removed and planted with native vegetation at the end of the temporary use.

2. If no reasonable alternative exists, in approving a temporary development or use the Director may allow:

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a. Views to be blocked;

b. Public access to be blocked for a period of up to three months; and

c. Development within the shoreline setback but farther than 15 feet from the OHW mark.

C. Temporary development, floats, or uses shall not interrupt any legally established permanent use of a property.

Part 2 Nonconforming Uses and Structures

23.60A.122 Nonconforming uses

A. Nonconforming uses

1. A nonconforming use may be continued subject to the provisions of this Section 23.60A.122.

2. A nonconforming use that has been discontinued for more than 12 consecutive months in the CN, CP, CR, CM, CW, UR, UH and UC Environments or more than 24 consecutive months in the UM, UG or UI Environments shall not be reestablished or recommenced. A use is considered discontinued if:

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

b. The structure or property or portion of a structure or property is either vacant or is not being used for the use allowed by the most recent permit for the length of time provided in subsection 23.60A.122.A.2.

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

B. Nonconforming use in a conforming structure or development

1. A conforming structure or development containing a nonconforming use or uses may be maintained, repaired, or structurally altered but shall not be expanded or extended

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beyond its existing external dimensions for the purposes of the nonconforming use, except as provided in subsections 23.60A.122.C and 23.60A.122.E, or as otherwise required by law, if necessary to improve access for the elderly or disabled, or to provide regulated public access.

2. A conforming structure or development containing a nonconforming use or uses may not be rebuilt or substantially improved for the purposes of the nonconforming use, except as provided in subsections 23.60A.122.C.1, 23.60A.122.C.2.d and 23.60A.122.E.

C. Conforming structure containing a nonconforming use

1. A conforming structure containing a nonconforming use may be rebuilt or substantially improved if the applicant demonstrates that the structure is reasonably capable of containing a conforming use without modifying the rebuilt or improved structure, except as provided in subsection 23.60A.122.E. A structure that is allowed to be rebuilt or substantially improved shall not be expanded or extended beyond its existing external dimensions for the purposes of the nonconforming use.

2. A conforming structure or development containing a nonconforming use that is destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding normal deterioration of structures constructed in or over the water, may be rebuilt or substantially improved if:

a. Action toward replacement is commenced within 12 months after destruction in the CN, CP, CR, CM, CW, UR, UH and UC Environments or within 24 months in the UM, UG, or UI Environments; and

b. The structure or portion of the structure occupied by the nonconforming use is improved or rebuilt to the same or smaller configuration, existing immediately prior to the time the structure was destroyed unless one of the provisions in subsection 23.60A.122.C.2.c apply.

c. Configuration alternatives

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1) Reconfiguration of the structure occupied by the nonconforming use is allowed if reconfiguration results in reduced impacts on ecological functions as compared to the configuration immediately prior to the time the structure was destroyed;

2) A substantially improved or rebuilt structure housing a nonconforming eating and drinking establishment use in the UC Environment may consolidate other existing nonconforming uses on the property, if no cumulative expansion or intensification of the nonconforming use and no increase in over-water coverage occurs and the Director finds that the reconfiguration will allow removal of structures housing other nonconforming uses, resulting in improved ecological functions, view corridors or regulated public access; or

3) The structure is nonconforming moorage that is reconfigured consistent with subsection 23.60A.122.E.

D. Change of one nonconforming use for another nonconforming use

1. The change of one nonconforming use to another use not allowed in the shoreline environment may be authorized as a shoreline conditional use by the Director, with the concurrence of Ecology, if the area occupied by the nonconforming use does not expand and the Director determines that:

a. The existing development is unsuited for a reasonably economically viable use allowed in the environment; and

b. The new use is no more detrimental to ecological functions and to property in the vicinity than the existing use;

c. For uses located in structures located over water:

1) First, no reasonable economic alternative exists for locating the use on the dry land portion of the lot and outside the setback to the maximum extent reasonable; and

2) Second, no reasonable economic alternative exists for locating the use on the dry land portion of the lot to the maximum extent reasonable; and

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d. For uses in structures located within the required shoreline setback no reasonable alternative exists for locating the use wholly outside of the setback; if the use cannot be located wholly outside the setback it shall be located outside the setback to the maximum extent reasonable.

2. If the Director determines that a nonconforming use in a structure over water and/or within the required setback may be changed, the Director shall require the applicant to provide an area of ecological restoration equivalent to the gross floor area of the use that is nonconforming.

3. The new use shall retain its nonconforming use status for the purposes of subsections 23.60A.122.A through 23.60A.122.D.

E. Reconfiguration of a nonconforming moorage use.

1. Reconfiguration of a nonconforming moorage use may be authorized as a shoreline conditional use, except as provided in subsection 23.60A.122.E.2, if the Director determines that:

a. The goals of this Chapter 23.60A, including limiting location of structures over water, would be better served;

b. View corridors and public access that do not meet development standards are improved to the maximum extent reasonable;

c. Total over water coverage, including potential coverage by vessels or floating structures that are moored, is not increased; and

d. If the moorage includes covered moorage:

1) The height of the covered moorage is not increased; and

2) Walls are prohibited, unless in conflict with the Seattle Fire Code.

2. Reconfiguration of an existing nonconforming moorage use may be authorized without obtaining a shoreline conditional use permit if the conditions in subsection

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23.60A.122.E.1 are met and the total area of over water coverage, including potential coverage by vessels or floating structures that are moored, and including any existing covered moorage, is reduced by 20 percent. When calculating the reduction in over water coverage, grated decking and translucent roofing material shall not be included.

23.60A.124 Development nonconforming to development standards

A. Development that was lawful when constructed and that does not conform to applicable development standards in this Chapter 23.60A is regulated as development nonconforming to development standards. Development that did not comply with the development standards in effect when the development was constructed is unlawful and is not regulated as development nonconforming to development standards.

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. 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.

C. On dry land and outside the shoreline setback and shoreline residential setback a development nonconforming to development standards may be maintained, repaired, structurally altered, substantially improved or replaced but is prohibited from expanding or extending in any manner that increases the extent of nonconformity or creates additional nonconformity, except as

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allowed in subsection 23.60A.124.G or except as otherwise required by law if necessary to improve access for the elderly or disabled or to provide regulated public access.

D. Development located over water or in setbacks

1. Except as provided in subsection 23.60A.124.D.2, a 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:

a. Substantially improved except as provided in subsection 23.60A.124.I;

b. Replaced, except as provided in subsection 23.60A.124.I; or

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.

2. 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.

E. If the development is nonconforming as to lot coverage, existing lot coverage may not be transferred from the dry land portion of the site to the water or from outside the shoreline setback to within the shoreline setback.

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F. Reconfiguration of a conforming moorage use nonconforming to development standards. Reconfiguration of a conforming moorage use that is nonconforming to development standards may be authorized as follows:

1. The reconfiguration is not a substantial improvement or replacement;

2. The reconfigured moorage results in an increase in ecological function; and

3. If the moorage does not meet view corridor development standards, the view corridor is improved.

G. Reconfiguration. Portions of existing principal structures on dry land may be reconfigured as part of allowed work on development nonconforming to development standards if the Director determines that:

1. The reconfiguration results in equal or greater protection of ecological functions;

2. Views from neighboring waterfront residences are not affected;

3. Required view corridors and street views are not further blocked; and

4. The reconfiguration results in equal or improved public access, if required.

H. For alteration of a development nonconforming as to public access requirements, the Director may require compliance with Section 23.60A.164, Standards for regulated public access, as a condition of a shoreline substantial development permit.

I. Development not conforming to development standards that is destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding normal deterioration of structures constructed in or over the water, may be rebuilt if the standards in subsections 1 through 3 of this subsection 23.60A.124.I are met:

1. Reconfiguration. The development meets one of the following standards:

a. The development is rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed;

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b. Reconfiguration of the structure is allowed if reconfiguration results in reduced impacts on ecological functions as compared to the configuration immediately prior to the time the structure was destroyed;

c. The rebuilt development contains a nonconforming eating and drinking establishment use in the UC Environment and consolidates with other existing nonconforming development on the lot and:

1) No increase in height or cumulative expansion of the area of nonconforming development and no increase in over water coverage occurs; and

2) The Director finds that the reconfiguration will allow removal of other nonconforming development that results in improved ecological functions, view corridors or regulated public access; or

d. The development is nonconforming moorage that is reconfigured consistent with subsection 23.60A.122.E.

2. If the development is over water, within the required setback, or within the residential shoreline setback, it may be rebuilt in the following locations:

a. If the dry land portion of the lot from the OHW mark to the street is at least 65 feet, the replacement development shall be landward of the shoreline setback;

b. If the dry land portion of the lot from the OHW mark to the street is less than 65 feet but more than 35 feet, the replacement development shall be no further waterward from the street than 35 feet and shall be located outside of the shoreline setback to the extent reasonable; and

c. If the dry land portion of the lot from the OHW mark to the street is 35 feet or less, the replacement development may be rebuilt within the shoreline setback to the existing footprint of the structure or overwater to the existing footprint of the structure.

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3. Action toward replacement is commenced within 12 months after destruction in the CN, CP, CR, CM, CW, UR, UH and UC Environments or within 24 months in the UM, UG, or UI Environments.

J. If development nonconforming to development standards is substantially improved, replaced or rebuilt under subsections C or I of Section 23.60A.124, and the Director finds that permanently removing the nonconformity would have improved ecological function, the applicant shall provide ecological restoration equivalent to such improvement to ecological function, unless the applicant demonstrates that the cost of such restoration will preclude construction based on economic hardship. If the applicant makes such a showing, the Director shall reduce the requirement to the extent necessary to provide relief.

23.60A.126 Structures in trespass

Sections 23.60A.122 through 23.60A.124, provisions for nonconforming uses and structures, do not apply to any structure, improvement, dock, fill, or development placed in trespass or in violation of state statutes on tidelands, shorelands, or beds of waters.

Part 3 Development Standards

23.60A.150 Applicable standards

All development, shoreline modifications and uses in the Shoreline District shall be subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the specific environment in which the development, shoreline modification or use is located.

23.60A.152 General development

All developments, shoreline modifications, including land disturbing activity, and uses are subject to the following general development standards, whether they are located on dry land, overwater or in setbacks:

A. All shoreline developments, shoreline modifications, and uses shall be located, designed, constructed and managed to achieve no net loss of ecological functions. No net loss of

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ecological functions shall be achieved by applying the standards set out in this Chapter 23.60A, including applying mitigation sequencing pursuant to Section 23.60A.158.

B. All shoreline development, shoreline modifications, and uses shall be located, designed, constructed, and managed to avoid, or if that is infeasible, to minimize to the maximum extent feasible, adverse impacts or interference with beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, or erosion.

C. All shoreline developments, shoreline modifications, and uses shall be located, designed, constructed, and managed to prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, fills, levees, dikes, groins, jetties, dredging, or substantial site regrades to the extent feasible except as allowed in Section 23.60A.188.

D. All new shoreline development and uses shall be sited and designed to avoid or, if that is infeasible, to minimize to the maximum extent feasible the need for new and maintenance dredging.

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

F. All shoreline developments, shoreline modifications, and uses shall be located, constructed, operated, and managed to protect public health and safety.

G. Disturbance areas and land clearing shall be limited to the minimum necessary for development. Any surface disturbed or cleared of vegetation and not to be used for development shall be planted with native vegetation, except that pre-disturbance landscaped areas containing non-native vegetation located outside the shoreline setback may be re-landscaped using non-native, noninvasive vegetation pursuant to Section 23.60A.190.

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H. All shoreline developments, shoreline modifications, and uses shall use best management practices pursuant to DR 16-2009, Construction Stormwater Control Technical Requirements, to control impacts during construction.

I. All shoreline developments, shoreline modifications, and uses shall be located, designed, constructed, operated and managed to: protect the quality and quantity of surface and ground water on and adjacent to the development lot by using best management practices as follows:

1. Paving and berming of drum storage areas and fugitive dust control to prevent contamination of land or water;

2. Minimizing the amount of impervious surface on the site and utilizing permeable surfacing where practicable, except where other required state or federal permits prohibit such actions.

3. Using other control measures including, but are not limited to bioretention, rainwater harvesting, downspout dispersion, filters, catch basins and planted buffers as appropriate.

J. All in-water and over-water structures shall be designed, located, constructed, and managed to avoid adverse impacts to aquatic habitat, such as increased salmonid predator habitat and adverse impacts due to shading, to the maximum extent feasible and to limit construction to the times of the year when construction will have the least impact on migrating salmonids as set by WDFW and the U.S. Army Corps of Engineers.

K. Durable, non-toxic components are the first priority for in-water and over-water structures and shall be used unless it is unreasonable. Treated wood and other material shall be the least toxic according to industry standards. Treated wood used shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling.

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L. Creosote piles

1. Creosote treated piles may be repaired if:

a. the piling is under a structure that is not being replaced; or

b. fewer than 50 percent of the existing piles are in need of repair under a structure that is being replaced.

2. "Sleeving" shall be the repair method used unless another method provides better protection of ecological functions.

3.Creosote treated piles in need of repair must be replaced if under a structure that is being replaced and 50 percent or more of the number of piles are proposed to be repaired, if reasonable.

M. Replaced covered moorage and new and replaced boat sheds shall be designed to provide the maximum ambient light to reach the water. Designs shall:

1. Minimize sides of the structures; and

2. Provide light transmitting roofing and side material to the maximum extent feasible.

N. Light transmitting features are required to be installed for all new and replaced piers and floats, over-water boat repair facilities and similar structures to the maximum extent feasible. When determining feasibility of light transmitting features for nonresidential piers and floats see subsection 23.60A.187.E.6.

O. Tires are prohibited as part of above or below water structures or where tires could potentially come in contact with the water (e.g., floatation, fenders, hinges). During maintenance of structures using tires, existing tires shall be removed or replaced with nontoxic material.

P. All foam material, whether used for floatation or for any other purpose, shall be encapsulated within a shell that prevents breakup or loss of the foam material into the water and that is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance of

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structures using foam, existing un-encapsulated foam material shall be removed or replaced with material meeting the standards of this subsection 23.60A.152.P.

Q. Artificial night lighting shall first be avoided. If that is infeasible, lighting should minimize night light impacts on the aquatic environment by focusing the light on the pier surface, using shades that minimize illumination of the surrounding environment and using lights that minimize penetration into the water, to the maximum extent feasible, considering the activities that occur at the site at night.

R. The release of oil, chemicals, solid waste, untreated effluents, or other hazardous materials onto or into the water is prohibited. Best management practices shall be employed for the safe handling of these materials to prevent them from entering the water. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the cause has been completely corrected. Best management practices shall be employed for prompt and effective clean-up of any spills that occur. A spill prevention and response plan to meet the above requirements may be required by the Director prior to issuance of a permit unless the Director has determined that it is reasonable to provide the plan prior to commencement of construction.

S. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial marinas, vessel repair facilities, marine service stations and any use regularly servicing vessels that have petroleum product capacities of 10,500 gallons or more. A third party may provide the containment and clean-up of spills if a containment boom, capable of containing a spill from the largest vessel, is available on site and personnel are trained to deploy containment booms around vessels moored at the site.

T. Construction and repair work shall use best management practices to prevent the entry of debris and other waste materials into any water body. No over-water or in-water application

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of paint, preservative treatment, or other chemical compounds is permitted, except in accordance with best management practices. Any cleaning, sanding, cutting of treated wood, or resurfacing operation occurring over-water or in-water shall employ tarpaulins securely affixed above the water line to prevent material from entering the water. Prior to removing the tarpaulins, the accumulated contents shall be removed by vacuuming or an equivalent method that prevents material from entering the water.

U. Construction staging areas shall be as far from the OHW mark as reasonable. For projects involving concrete, a concrete truck chute cleanout area shall be established to contain wet concrete. All inlets and catch basins shall be protected from fresh concrete, paving, paint stripping and other high-risk pollution generating activities during construction.

V. If at any time project-related activities cause a fish kill, the permittee shall stop all work relating to the fish kill and immediately notify the Department of Planning and Development, WDFW, and Ecology.

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

X. On waterfront lots uses that are not water-dependent shall be designed and located on the shoreline to encourage efficient use of the shoreline and to allow for water-dependent uses. Design considerations may include additional setbacks from all or a portion of the water's edge, joint use of piers and wharves with water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline by water-dependent uses.

Y. All open areas used for boat storage are required to be screened with natural existing vegetated buffers or planted landscaped areas except for lots with a dry land lot depth of less than 35 feet and areas within the UG, UI and UM Environments. Screening shall include a 5 foot wide landscaping strip with native evergreen plantings at least 3 feet tall. The screening

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shall be located outside any required sight triangle. The requirement for screening may be waived or modified by the Director to address traffic safety.

23.60A.154 Standards for archaeological and historic resources

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.

B. Applications that include 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. In addition, the archaeologist shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation. 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. 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.

C. If any archaeological resources are uncovered during excavation, work shall be stopped immediately, and the applicant shall notify the City, affected tribes, and the State Department of Archeology and Historic Preservation. The applicant shall submit a site inspection and evaluation report by a qualified professional archaeologist, approved by the City, that identifies all possible valuable archaeological data and makes recommendations on how to handle the data properly. When the report is prepared, the applicant shall notify affected tribes and the State Department of Archaeology and Historic Preservation and provide them with copies of the report.

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D. If identified historical or archaeological resources are present, site planning and access to such areas shall be designed and managed to give protection to the resource and surrounding environment, and any permit issued shall be revised.

E. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a shoreline substantial development permit. The City shall notify Ecology, the State Attorney General's Office, affected tribes and the State Department of Archaeology and Historic Preservation of the exemption in a timely manner.

23.60A.156 Standards for environmentally critical areas in the Shoreline District

A. All development, shoreline modification and uses shall protect environmentally critical areas located in the Shoreline District by complying with the standards and procedures in this Section 23.60A.156, in addition to the provisions of this Chapter 23.60A.

B. Applicable regulations. Chapter 25.09, as set out in Ordinance 122050 and amended by Ordinances 122370 and 122738, and by this ordinance, is incorporated by reference into this Chapter 23.60A with respect to the shorelines within the Shoreline District. The designations, standards and procedures in Chapter 25.09 are modified as set out in subsections 23.60A.156.E through 23.60A.156.N for environmentally critical areas in the Shoreline District. If there are any conflicts between the standards and procedures in Chapter 25.09 incorporated into this Chapter 23.60A and other provisions of the Shoreline Master Program, the requirements most protective of ecological functions apply, except when preempted by federal or state law or where this Shoreline Master Program expressly states that these regulations do not apply.

C. Critical areas are designated as set out in Section 25.09.020, as amended by this Ordinance, and are located as set out in Section 25.09.030. Identification of wetlands and delineation of their boundaries pursuant to this Chapter 25.09 shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements in lieu of

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the "Washington State Wetlands Identification and Delineation Manual" as adopted by Ecology (Publication #96-94).

D. Mitigation Sequencing. Mitigation sequencing is required if a provision of Chapter 25.09, as incorporated by reference and modified in this Section 23.60A.156, specifically requires mitigation or if additional mitigation is required to meet no net loss of ecological function pursuant to subsection 23.60A.152.A.

E. Exemptions

1. Exemption requirements

a. An application that is exempt from the requirement of applying for a shoreline substantial development permit under Section 23.60A.020 is not exempt from the standards and requirements set out in Chapter 25.09 as incorporated into this Chapter 23.60A, unless the application is also exempt from Chapter 25.09 to the extent allowed under Section 25.09.045.

b. An application that is exempt from the standards and requirements in Chapter 25.09 under Section 25.09.045 is not exempt from the requirement for a shoreline substantial development permit, unless the application is also exempt from applying for that permit under the standards of Section 23.60A.020.

2. Any development, shoreline modification, or use that is exempt under Section 25.09.045 from other standards and requirements set out in Chapter 25.09 shall use mitigation sequencing pursuant to subsection 23.60A.152A and Section 23.60A.158, in addition to complying with the standards of Section 25.09.045.

F. Small project waivers

1.The small project waiver provisions in Section 25.09.055 do not apply in the shoreline setback area.

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2. Small project waivers for areas outside the shoreline setback area shall mitigate adverse impacts pursuant to subsection 23.60A.152.A and Section 23.60A.158, in addition to complying with the standards of Section 25.09.055.

G. Development standards for flood-prone areas. Development in flood-prone areas shall comply with the standards set out in Section 25.09.100.

H. Development standards in wetlands

1. Research uses are allowed in all wetlands and their buffers pursuant to Section 23.60A.210.

2. Application for a Category IV buffer reduction under subsection 25.09.160.D.2 shall use the shoreline variance standards and procedures in addition to complying with the standards in subsection 25.09.160.D.2.

3. If the Director grants a shoreline variance to standards for wetlands in Section 25.09.160, other than a shoreline variance for a Category IV buffer reduction, the avoidance and mitigation standards set out in subsection 25.09.160.E apply in lieu of the mitigation sequencing set out in Section 23.60A.158.

I. Development Standards for steep slope areas

1. Subsection 25.09.180.B.2. does not apply to development on waterfront lots.

2. Applications for steep slope area variances under subsection 25.09.180.E for developments on lots with a feeder-bluff in the Shoreline District shall use the shoreline variance standards and process in addition to complying with the standards in subsection 25.09.180.E. In applying these standards the applicant is required to demonstrate the development is necessary for reasonable use of the property instead of demonstrating hardship. If the Director authorizes a shoreline variance under these standards, relief shall be in the sequence in subsection 25.09.180.E.2.

3. Applications for steep slope area variances under subsection 25.09.180.E for developments in the Shoreline District not on waterfront lots with a feeder bluff shall use the

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shoreline variance standards and process in addition to complying with the standards in subsection 25.09.180.E. If the Director authorizes a variance under these standards, relief shall be in the sequence set out in subsection 25.09.180.E.2.

J. Development standards for riparian corridors. If access is allowed within the Shoreline District over a watercourse in a riparian corridor under subsection 25.09.200.A.2.a, the Director shall require mitigation of impacts to ecological function, including the associated hyporheic zone, pursuant to Section 23.60A.158.

K. Subdivisions and short subdivisions

1. The standards for short subdivisions and subdivisions in Section 25.09.240 incorporated by reference into this Chapter 23.60A apply to short subdivisions and subdivisions in the Shoreline District, except as provided in subsections 23.60A.156.K.2 and 23.60A.156.K.3.

2. Subsection 25.09.240.B does not apply. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and access for this area that are outside the riparian corridor, wetlands, wetland buffers, and steep slope areas and buffers, except as follows:

a. Development on upland lots may be located on steep slope areas that have been created through previous legal grading activities, including rockeries or retaining walls resulting from rights-of-way improvements, if steep slope erosion is not increased as determined by the Director based on a geotechnical report; and

b. Development on upland lots may be located on steep slope areas that are less than 20 feet in vertical rise and that are 30 feet or more from other steep slope areas, if steep slope erosion is not increased as determined by the Director based on a geotechnical report.

3. Subsection 25.09.240.E does not apply. In computing the number of lots a parcel in a single-family zone may contain, the Director shall exclude easements and/or fee simple property used for shared vehicular access to proposed lots that are required under Section 23.53.005.

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L. Environmentally critical areas administrative conditional use. The provisions of Section 25.09.260 do not apply in the Shoreline District.

M. Environmentally critical area exceptions

1. In lieu of the environmentally critical area exception process in Section 25.09.300, the applicant shall apply for a shoreline variance. In addition to the standards for a shoreline variance the applicant shall comply with the requirements and standards in subsections A, B, and C of Section 25.09.300.

2. The relief from the requirements protecting environmentally critical areas that is approved by the Director through a shoreline variance shall be consistent with the provisions in subsections D and E of Section 25.09.300.

3. In granting a shoreline variance the Director shall require mitigation sequencing pursuant to Section 23.60A.158, except that if a shoreline variance is granted from the standards for wetlands in Section 25.09.160, the standards in subsection 25.09.160.E apply.

N. Vegetation management within environmentally critical areas shall comply with Section 23.60A.190, and Section 25.09.320 does not apply in the Shoreline District. In the Shoreline District critical area standards that require compliance with Section 25.09.320 shall be construed to require compliance with Section 23.60A.190.

O. Enforcement. The enforcement procedures provided in Chapter 23.90 shall be applied, rather than the provisions of Sections 25.09.420 through 25.09.450 and Sections 25.09.470 through 25.09.480, to enforce the regulations in this Section 23.60A.156 and Chapter 25.09 as incorporated by reference for environmentally critical areas in the Shoreline District. The amount of the civil penalty is as set out in Section 25.09.460.

P. Definitions. The definitions in Section 25.09.520 shall be used in applying the regulations incorporated by reference into this Section 23.60A.156.

23.60A.157 Essential Public Facilities

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A. Uses, accessory uses, temporary uses and shoreline modifications comprising essential public facilities defined in Section 23.84A.010 may be located in the Shoreline District in compliance with this Chapter 23.60A.

B. If a proposed essential public facility includes a use or shoreline modification that is prohibited in the shoreline environment where it is proposed, that use or shoreline modification is allowed if it is infeasible to locate it outside the Shoreline District. The use or shoreline modification shall comply with all applicable use and shoreline modification standards and with the development standards in this Chapter 23.60A, including standards in 23.60A.158 for mitigation sequencing, and shall mitigate all adverse impacts to water-dependent and water-related uses. If shoreline modification or use is nonwater-oriented, ecological restoration equivalent to the gross floor area of the new nonwater-oriented use shall be provided within the same geographic area as the project.

C. If an essential public facility is proposed that does not comply with the use and shoreline modification standards and with the development standards in this Chapter 23.60A as provided in subsections A and B of this Section 23.60A.157 and relief cannot be obtained through the procedures of this Chapter 23.60A, the applicant may seek relief under Chapter 23.80.

23.60A.158 Standards for mitigation sequencing

A. Regulations set out in this Chapter 23.60A are minimum requirements that shall be supplemented by mitigation sequencing in this Section 23.60A.158 when needed to achieve no net loss of ecological functions. Mitigation under this Section 23.60A.158 is not intended to duplicate mitigation for the same ecological function that is required under other City regulations or under state and federal permits: coordination among local, state and federal regulatory agencies and Indian Tribes, as applicable, shall occur when determining required mitigation for shoreline substantial development permits.

B. Mitigation sequencing

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1. The mitigation sequence below shall be undertaken in the following priority:

a. Step A. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Step B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c. Step C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Step D. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Step E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Step F. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2. Lower priority measures shall be applied only if the higher priority measure is infeasible or inapplicable.

C. Each development, shoreline modification, or use comprising the mitigation proposed to meet the requirements of subsections 23.60A.158.B.1.b through 23.60A.158.B.1.f (Steps B through F) shall comply with the standards for the shoreline environment where the mitigation action will occur and with all applicable regulations.

D. Mitigation and Monitoring Plan

1. As part of any application for approval of development, shoreline modification, or use that requires mitigation under subsections 23.60A.158.B.1.b through 23.60A.158.B.1.f (Steps B through F), the applicant shall submit a mitigation and monitoring plan that meets the standards set out in this subsection 23.60A.158.D unless the applicant demonstrates based on competent scientific evidence that no net loss of ecological function will

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occur as the result of the development, shoreline modification or use, its construction, or its management.

2. The required level of detail in the mitigation and monitoring plans and the length of time required for monitoring shall be determined by the Director after considering the location, size and type of the proposed shoreline development, modification and/or use and the type of mitigation proposed.

3. The mitigation and monitoring plan shall include the following information:

a. An inventory of the existing ecological functions where the impact will occur;

b. An analysis of the project's impacts on the existing ecological functions necessary to support existing shoreline resources;

c. Management recommendations received from federal, state, or local agencies that have been developed for the protection of ecological function including protection of avian, terrestrial, wetlands or aquatic species and habitat on the site and their applicability to the proposal;

d. Proposed management practices that will protect ecological function both during construction and during the management of the site;

e. Measures to avoid and minimize impacts to preserve ecological functions and existing habitats;

f. Proposed measures that will compensate for the impacts of the project remaining after applying avoidance and minimization measures, to ensure no net loss of shoreline ecological functions;

g. Vegetation species, planting and soil specifications and a minimum of 5 years of monitoring for plans that include vegetation planting;

h. Identify success criteria and the evaluation of mitigation effectiveness to ensure no net loss of ecological functions;

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i. Contingency actions to be taken if the mitigation fails to meet established success criteria; contingency actions should include additional monitoring if the mitigation fails;

j. Performance bonds not to exceed a term of five years may be required to ensure compliance with the conditions except for public agencies; and

k. Any additional information as determined by the Director that is necessary to determine the impacts of a proposal and mitigation of the impacts.

4. If off-site mitigation is proposed by the applicant, the applicant shall provide proof of the off-site owner's consent; any restrictions, conditions, or easements that are tied to the parcel through off-site mitigation shall be set out in both the permit and in a covenant and recorded.

5. Where practicable, replacement mitigation shall be required to be completed prior to impact and, at a minimum, prior to occupancy.

E. Bonds. Except for projects undertaken by public entities, the applicant shall provide performance and maintenance bonds, as applicable, or other security to the City to assure that work is completed, monitored, and maintained.

F. The monitoring plan approved by the Director shall be part of the permit or approval issued by the City.

G. If SEPA or mitigation requirements of this Chapter 23.60A requires providing habitat units, the provisions of Sections 23.60A.027 and 23.60A.028 apply.

23.60A.160 Standards for priority habitat protection

A. Priority freshwater habitat

1. The following are designated as priority freshwater habitat:

a. Sockeye salmon spawning habitat.

b. Creek mouths and areas below OHW within 100 feet of creek mouths in Lake Washington.

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c. Hyporheic zones as determined by the Director.

2. Applicants for any permit or review in the Shoreline District shall provide an inventory containing the following information:

a. Location and boundaries of all freshwater habitat on the lot and on adjacent lands within 35 feet of the lot lines, noting both total square footage and percentage of lot;

b. Location and boundaries of all existing development on the lot, on adjacent lands within 35 feet of the lot lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amount of developmental coverage;

c. Location and boundaries of non-disturbance areas on the lot that have been required by previous approvals; and

d. Location and boundaries of all proposed development, shoreline modifications and proposed disturbance areas on the lot and on the full width of abutting public and private rights-of-way and easements. This shall include areas of development coverage, dredging, filling, or impervious surfaces, construction activity areas and any other areas that will be disturbed (noting total square footage and percentage of the lot occupied).

3. No new structures, including but not limited to new piers, piles, bulkheads, bridges, fill, floats, jetties, and utility crossings shall be located within priority freshwater habitat, unless the structure is allowed in the applicable shoreline environment, all development standards are met, and the applicant demonstrates that no reasonable alternative alignment or location exists.

B. Priority saltwater habitat

1. The following are designated as priority saltwater habitat:

a. Kelp beds;

b. Eelgrass beds;

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c. Spawning and holding areas for forage fish, such as herring, smelt and sandlance;

d. Subsistence, commercial and recreational shellfish beds;

e. Mudflats;

f. Intertidal habitats with vascular plants;

g. Areas with which WDFW priority species have a primary association; and

h. Habitat designated as priority saltwater habitat by the Director under 25.09.200.E.

2. Applicants for any permit in the Shoreline District shall provide an inventory containing the following information:

a. Location and boundaries of all saltwater habitat on the lot and on adjacent lands within 35 feet of the lot lines, noting both total square footage and percentage of the lot;

b. Location and boundaries of all existing development on the lot, on adjacent lands within 35 feet of the lot lines, and on the full width of abutting public and private rights-of-way and easements. This shall include the amounts of developmental coverage;

c. Location and boundaries of non-disturbance areas on the lot that have been required by previous approvals; and

d. Location and boundaries of all proposed development, shoreline modifications and proposed disturbance areas on the lot and on the full width of abutting public and private rights-of-way and easements. This shall include the areas of developmental coverage, dredging, filling, or impervious surfaces and construction activity areas (noting total square footage and percentage of the lot occupied).

3. No structure, including but not limited to bulkheads, bridges, fill, floats, jetties, piles, utility crossings, and piers, except for piers that are regulated under subsection

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23.60A.160.B.4, shall intrude into or over priority saltwater habitats unless the structure is allowed in the applicable shoreline environment, all development standards are met, and the applicant demonstrates that all of the conditions below are met:

a. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

b. It is not feasible to avoid adverse impacts to priority saltwater habitats by an alternative alignment or location or avoidance would result in unreasonable and disproportionate cost to accomplish the same general purpose; and

c. The project is consistent with the State's interest in resource protection and species recovery.

4. Private, noncommercial piers for single-family residential or community use may be authorized if the structure is allowed in the shoreline environment, all development standards are met, and the applicant demonstrates that it is not feasible to avoid adverse impacts to priority saltwater habitats by an alternative alignment or location.

5. Exceptions for priority saltwater habitat. If the shoreline habitat is classified as priority saltwater habitat because the habitat is used by anadromous fish for migration:

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 more than 50 percent of product or materials by water, or the need for large quantities of water, and shoreline modifications; and

b. The proposed project shall comply with all other provisions of this Chapter 23.60A, including the requirement for no net loss of ecological function and Section 23.60A.158, Mitigation sequencing.

23.60A.162 Standards for parking and loading zones

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A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified in Chapter 23.54, except that the requirements may be waived or modified by the Director if:

1. Alternative means of transportation will meet the parking demand of the proposed project in lieu of such off-street parking and loading requirements; or

2. Parking to serve the proposed uses is available within 800 feet of the proposed project and pedestrian facilities are provided.

B. New off-street parking and parking structures shall be located out of the shoreline setback and at least 50 feet from the OHW mark. On lots that have a dry land lot depth of less than 75 feet, parking required pursuant to Chapter 23.54. shall be outside shoreline setbacks and shall be located as far upland from the OHW mark as reasonable.

C. Overwater parking and loading

1. New over water parking is prohibited.

2. Existing over water parking areas shall not be expanded or restriped to create additional parking stalls.

3. Existing over water parking areas may be relocated over water if:

a. The relocation results in a 20 percent reduction in parking area;

b. Located in the Urban Industrial or Urban Maritime shoreline environment and there is no dry land; or

c. The relocation results in greater protection of ecological functions.

4. Loading zones may be located over water on existing structures and within the shoreline setback if the applicant demonstrates that:

a. Loading zones are necessary for the operation of a water-dependent or water-related use;

b. No reasonable alternative location exists; and

c. There is no increase in overwater coverage.

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D. Accessory parking is prohibited over water and on dry land unless it is accessory to a use allowed, allowed as a special use or allowed as a shoreline conditional use in the shoreline environment in which the parking is located and complies with subsection 23.60A.090.D.

E. The design and construction of parking facilities shall remove to the maximum extent reasonable contaminants from surface water runoff prior to its entering adjacent waters and shall prevent erosion of soil or beaches. Control measures may include oil separators, retention ponds, and pervious materials where there is sufficient separation from the shoreline to allow for complete filtration of pollutants.

F. Parking facilities in areas not zoned IG1, IG2, IB and IC shall be screened from residential, recreation, and natural areas using a 5 foot wide landscaping strip with native evergreen plantings at least 3 feet tall. The screening shall be located outside any required sight triangle. The requirement for screening may be waived or modified by the Director to address traffic safety.

G. In environments other than UM and UI Environments appropriately placed planter islands and planting strips shall be used to avoid large visual expanses of asphalt or concrete paving. Planting areas shall be designed and located to direct and control traffic flow and stormwater runoff. The landscaping shall consist of native vegetation.

23.60A.164 Standards for regulated public access

A. Private property

1. Regulated public access meeting the following criteria shall be provided and maintained on privately owned waterfront properties as set forth in each shoreline environment and also, if the use of the property is a marina, as set forth in Section 23.60A.200. If there is a conflict, the standards in Section 23.60A.200 control.

2. Existing development meeting the public access standards of this Chapter 23.60A at the time of original permitting is not required to provide additional public access unless the development changes to a development with different public access standards.

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B. Public Property. Regulated public access shall be provided and maintained on all publicly owned and publicly controlled waterfront development sites whether leased to private lessees or not, except if the site is submerged land that does not abut dry land.

C. Minimum Standards

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

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

3. Maintenance of the regulated public access is the responsibility of the owner or developer.

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

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

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

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

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

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

3. Regulated public access shall be located to avoid interference with the use of the site by water-dependent uses located on the site and minimize interference with the water-dependent uses on adjacent sites.

4. Public access shall be separated from private uses through landscaping or other appropriate screening unless the private spaces include uses that are open to the public, such as eating and drinking establishments or retail stores.

5. Required public access shall provide connections to trails, parks, and other public amenities wherever feasible.

6. Paths and other public access features shall not disturb trees and shall be sited in locations that result in the least disturbance to native vegetation; and

7. Pedestrian paths shall use pervious material to the greatest extent feasible.

E. Regulated public access may be limited as to types of activities allowed. Twenty four hour availability shall be provided, unless the Director determines that limited hours of access are necessary based on location and projected use of the site, and the access is available to the public on a regularly scheduled basis.

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

G. Regulated public access and any related parking shall be indicated by permanent signs provided by the applicant that are of standard design and materials prescribed by the Director.

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The signs shall be located for maximum public visibility and be clearly visible and legible from the right-of-way.

H. All regulated public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Recorder's Office.

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 be provided in the context of the entire development.

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

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

3. A minimum of one regulated public access site shall be provided for each 3,500 linear feet of shoreline unless public access standards are met elsewhere as part of an approved public access plan or public access is not required for the development.

J. General Exceptions.

1. The requirement for one regulated public access site for each terminal or facility may be waived if the terminal or facility is included in an approved public access plan and the applicant complies with the plan.

2. In lieu of development of required public access on the lot, an applicant may choose to meet the requirement for regulated public access through payment-in-lieu or by development of public property equivalent to the regulated public access otherwise required if the applicant's lot is located in an area included in an approved regulated public access plan. To

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be allowed, payment in lieu or development off-site must be allowed by the approved public access plan.

3. Regulated public access is not required or may be modified if the Director has reviewed all reasonable alternatives for public access, including off-site improvements under the control of the applicant, viewing platforms, and separation of uses through site planning and design, and has determined that either subsection 23.60A.164.J.3.a or 3.b applies:

a. The site does not qualify for payment-in-lieu or public access development off-site under subsection 23.60A.164.J and one of the following conditions exists:

1) Unavoidable hazards to the public in gaining access exist;

2) Inherent security requirements of the use cannot be satisfied;

3) Unavoidable interference with the use would occur;

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

5) Adverse impacts to ecological functions that cannot be feasibly mitigated would result; or

b. The cost of providing regulated public access is unreasonably disproportionate to the total cost of the proposed development, considering the scope of the proposed development and general public's interest in the opportunity to enjoy the physical and aesthetic qualities of shorelines of the State, including views of the water, in which case the Director may adjust the required public access so that the cost is reasonably proportionate.

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

K. Public Access Plan

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1. The Director may approve a public access plan if it:

a. Meets the requirements of WAC 173-26-221(4); and

b. Is developed through an open public process as provided in WAC 173-26-201(3)(b)(i).

2. The Director shall use the interpretation process in subsection 23.88.020.A for plans prepared by other public entities through a process that complies with subsection 23.60A.164.K.1.b. For all other plans the Director shall use the process and procedures prescribed for Type II land use decisions in Chapter 23.76.

23.60A.166 Standards for developments in public rights-of-way

A. Development, shoreline modifications and uses on submerged public rights-of-way are subject to the standards in subsection 23.60A.166.B, except for floating homes, which are required to comply with Section 23.60A.202 and except as provided in Section 23.60A.166.C.

B. Structures in public rights-of-way

1. All in and over water structures shall be floating or buried except as allowed in subsection 23.60A.166.B.2;

2. Floating structures may be secured by piling and dolphins if the structures cannot be secured safely with anchors or with pilings or dolphins located outside of the right-of-way;

3. The maximum height of structures is 15 feet;

4. Structures shall not occupy more than 35 percent of the right-of-way and shall not occupy more than 40 percent of the width of the right-of-way;

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

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

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C. Existing piers that are non-conforming and located in the UH Environment are allowed to be replaced to the existing footprint or reconfigured if the Director determines that:

1. The reconfiguration results in equal or greater protection of ecological functions;

2. Views from neighboring waterfront residences are not affected;

3. Required view corridors and street views are not further blocked; and

4. The reconfiguration results in equal or improved public access.

D. Any proposed activity occurring within public rights-of-way located on state-owned aquatic lands must be authorized by the DNR prior to obtaining City of Seattle shoreline permits.

23.60A.167 Standards for shoreline setbacks

A. The shoreline setback for each shoreline environment is the setback established in the standards for that environment.

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.

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.

D. In all shoreline environments except the CP Environment, no development, use, or shoreline modification is allowed within the shoreline setback except as follows:

1. The development, shoreline modifications and uses allowed in the shoreline setback standards for each environment.

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:

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a. Uses allowed, allowed as a special use or allowed as a shoreline conditional use overwater in the applicable shoreline environment;

b. Shoreline modifications;

c. Water-dependent uses to the extent they functionally need to be in the setback;

d. Over-water components of a water-dependent or water-related use;

e. Bridges and tunnels;

f. Streets;

g. Utility lines necessary to serve development and uses allowed in the setback or over water;

h. Research, aquatic, scientific, historic, cultural and educational uses pursuant to Section 23.60A.210;

i. Features that better accommodate nearshore habitat improvements, such as increasing daylighting; and

j. Nonconforming uses approved by the Director pursuant to Section 23.60A.124.

3. 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:

a. Swimming beaches and the minimum necessary for access to them;

b. The minimum necessary for fishing piers, hand carried boat launches, motorized boat launch areas and the minimum necessary access to them;

c. The minimum necessary for access to underwater diving areas; and

d. The minimum necessary for non-motorized boat landing areas.

4. 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

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adjacent existing residences are not blocked. The Director shall determine the permitted height of the fences and freestanding walls.

5. More than 15 feet landward of the OHW mark, the minimum necessary for:

a. 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

b. Viewpoints for required public access in all Urban shoreline environments and in the CW Environment and spur trails to access such viewpoints.

6. 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.

E. All development, shoreline modifications and uses allowed in the shoreline setback shall address the following when applying mitigation sequencing, to the greatest extent applicable and reasonable for the allowed use:

1. Minimize the reduction of vegetation height, volume, density or coverage;

2. Minimize adverse impacts to habitat;

3. Minimize disturbance to natural topography;

4. Minimize addition of impervious surface;

5. Prevent the need for shoreline stabilization by increasing the setback of proposed development; and

6. When native vegetation is proposed to meet the requirements of subsection 23.60A.158.B.1.e (Step E), prioritize planting this vegetation as close to OHW as possible.

F. Vegetation management and restoration and enhancement projects within shoreline setbacks are regulated pursuant to Section 23.60A.190 and the applicable shoreline environment.

23.60A.168 Standards for lot boundary adjustments, short subdivisions and subdivisions

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A. This Section 23.60A.168 applies to all applications for lot boundary adjustments, short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels within the Shoreline District, in addition to the standards in other chapters of this Title 23.

B. Lots shall be divided and lot boundaries shall be adjusted so that each lot contains an area for a principal structure, necessary accessory structures, and necessary walkways and for access to that area that is:

1. Outside the required shoreline setback for the applicable shoreline environment; and

2. Outside priority habitat as provided in Section 23.60A.160 and, for subdivisions and short plats, complies with subsection 23.60A.156.K.

C. Lots shall be divided and lot boundaries shall be adjusted to prevent the need for shoreline stabilization for development, for the life of the development, by establishing on the plat or lot boundary adjustment plan the location of future structures a distance from the shoreline that allows natural shoreline processes, including shoreline erosion, to occur without threatening the stability of the development.

D. Lots shall be configured to protect ecological functions, including priority habitat as provided in Section 23.60A.160 and environmentally critical areas as provided in Section 23.60A.156, by:

1. For subdivisions and short subdivisions, establishing a separate tract or lot with each owner having an undivided interest; or

2. Establishing non-disturbance areas on individual lots as follows:

a. Non-disturbance areas shall be recorded on the plat for short subdivisions and subdivisions and for lot boundary adjustments and shall be legibly shown and described on the site plan; and

b. Recording a covenant as described in Section 25.09.335.

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E. Newly created waterfront lots and lots reconfigured to have new water frontage are restricted to water-dependent or water-related uses or to single-family residential uses; this shall be recorded on the plat or site plan and in the covenant.

F. Regulated public access is required as provided in Section 23.60A.164 for the subdivision of land into more than four parcels. The area of public access provided shall be equivalent to the total of the minimum area required for each newly created parcel, may be located in one location, and shall be shown on the plat.

23.60A.170 Standards for view corridors

A. View corridors shall be provided and maintained on properties pursuant to the standards in each shoreline environment and this Section 23.60A.170. If a standard in the shoreline environment is inconsistent with a standard in this Section 23.60A.170, the standard in the shoreline environment applies.

B. Minimum standards for view corridors are as follows, unless otherwise provided in the shoreline environment where the view corridor is located:

1. View corridors shall provide a view of the water through the lot from the public right-of-way.

2.View corridors

a. A view corridor or corridors meeting the minimum size requirement of the applicable shoreline environment shall be provided and maintained.

b. Applicants may meet their total percentage by providing multiple view corridors on a lot if each view corridor has a minimum width of 10 feet, except in the UH environment where the maximum number of view corridors is two, and each view corridor has a minimum width of 20 feet.

c. When more than one lot comprises a development site the Director may allow the view corridor requirements to be consolidated on one or more lots.

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3. Structures, including but not limited to buildings, fences, and covered walkways, shall not be located in view corridors unless the slope of the lot permits a full, unobstructed view of the water over the structures or unless allowed to be in the view corridor under the view corridor standards for the shoreline environment where the corridor is proposed. Eaves and open railings may be located in view corridors.

4. Parking for motor vehicles is not allowed in view corridors, except if allowed to be in the view corridor under the view corridor standards for the applicable shoreline environment, or if the applicant demonstrates that:

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

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

5. If the use is allowed, allowed as a special use or allowed as a shoreline conditional use in the applicable shoreline environment, the following may be located in a required view corridor:

a. Open wet moorage;

b. Storage of boats undergoing repair; and

c. Outdoor storage of items accessory to water-dependent or water-related uses.

6. Removal of existing landscaping is not required. New landscaping complying with the standards of Section 23.60A.190 is allowed in a view corridor.

C. Waiver or Modifications

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:

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

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

c. The view corridor requirement would prohibit use of the lot for water-dependent shoreline uses or physical public access; or

d. The lot width is 50 feet or less, and the lot is located in a multifamily zone.

2. In determining whether to waive or modify the requirement, the Director shall consider the following factors:

a. The direction of predominant views of the water;

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

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

d. The percent of the lot that would be devoted to a view corridor if the requirements were strictly applied;

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

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.

D. The Director may reduce or waive the yard and setback requirements in underlying residential zones in order to facilitate the goal of providing view corridors.

Part 4 Standards Applicable to Shoreline Modifications

23.60A.172 Applicable standards for shoreline modifications

A. All shoreline modifications are subject to the standards set out in Subchapter III of this Chapter 23.60A.

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B. Any proposed shoreline modification located on state-owned aquatic lands must provide evidence of notification to DNR prior to obtaining authorization from the Director.

C. All shoreline modifications are prohibited except as allowed, allowed as a special use or allowed as a shoreline conditional use in this Section 23.60A.172 and Table A for 23.60A.172. If Table A for 23.60A.172 lists a shoreline modification in association with a specific use or other shoreline modification, that use or shoreline modification must be allowed, allowed as a special use or allowed as a shoreline conditional use in the shoreline environment for which the shoreline modification is proposed.

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
1	Aquatic noxious weed control	P	P	P	P	P	P	P	P	P	P	P
2	Artificial reefs designed for restoration and enhancement or for recreational purposes.	P	SU	P	P	SU	SU	P	CU	P	P	CU
3	Boat launch and landing facilities											
3a	Motorized boat launches	P	P	X	CU	SU	P	P	P	P	P	P
3b	Non-motorized boat launches	P	P	X	P	SU	P	P	P	P	P	P
3c	Non-motorized boat landing	P	P	SU	P	P	P	P	P	P	P	P
4	Breakwater, jetties, groins and weirs											
4a	If necessary for the safe operation of a water-dependent use.	CU	CU	X	CU	CU	CU	CU	CU	CU	CU	CU

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
4b	For ecological restoration and enhancement or ecological mitigation necessary to protect ecological functions.	P	P	P	P	P	P	P	P	P	P	P
5	**Dredging**											
5a	Necessary for a water-dependent use.	CU	SU	X	X	SU	SU	CU	SU	SU	SU	X
5b	Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels, basins, berthing areas and dry docks is allowed if the applicant demonstrates dredging is necessary for assuring safe and efficient	CU	SU	X	X	SU	SU	CU	SU	P	P	X

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
5c	accommodation of existing navigational uses or safe berthing or operation of water dependent equipment such as dry docks. Maintenance dredging of established navigation channels or berthing areas is restricted to maintaining the location, depth, and width previously authorized or permitted by the Army Corps of Engineers.	SU	SU	X	X	SU	SU	SU	P	P	P	X
5d	For ecological restoration and enhancement or ecological mitigation.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
5e	Necessary to obtain fill for an ecological restoration and enhancement project that the Director has determined to be significant and the fill is placed waterward of the OHW mark or at an approved landfill outside the Shoreline District.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
5f	Necessary for clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan.	P	P	SU	SU	SU	SU	SU	SU	SU	SU	SU
5g	Necessary to obtain fill for restoration and	P	P	SU	SU	SU	SU	SU	SU	SU	SU	SU

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	enhancement of ecological functions associated with a MTCA or CERCLA ecological restoration and enhancement project and the fill is placed waterward of the OHW mark or at an approved landfill outside the Shoreline District.											
5h				X Except as allowed pursuant to Section 23.60A.209								
	Necessary to install bridges.	CU	CU		CU	CU	SU	CU	CU	CU	CU	CU
5i	Necessary to install utility	P	CU	CU	CU	SU	CU	SU	SU	SU	SU	SU

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	lines.											
6	**Dry docks**	X	X	X	X	X	X	P	X	P	P	X
7	**Fill** 7a through 7j are required to demonstrate that alternatives to fill are infeasible.											
7a	Necessary for the expansion or alteration of transportation facilities of statewide significance currently located on the shoreline.	CU	X	CU	CU	CU	CU	CU	CU	CU	CU	CU
7b	Part of cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7c	Necessary to install authorized shoreline	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CU	N/A	N/A	N/A

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	stabilization or public access at the Central Waterfront, and if the overall impacts of the project results in a net gain of ecological functions at or near where the fill is proposed.											
7d	Necessary to support a water dependent use.	CU	CU	X	CU	CU	CU	CU	CU	CU	CU	CU
7e	Necessary to support disposal of dredge material considered suitable under and conducted in accordance with the Dredge Material Management Program of the Department of Natural Resources.	X	CU	X	X	X	X	X	X	X	X	X

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
7f	Necessary to install bridges.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7g	For ecological mitigation, restoration and enhancement, or beach nourishment project if the fill will not permanently and negatively impact native aquatic vegetation.	P	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU
7h	Necessary to install utility lines.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7i	Disposal of dredge material on shorelands within a channel migration zone.	X	CU	X	X	X	X	X	X	CU	CU	X
7j	Open-water disposal of dredged material is allowed at designated disposal sites.	X	CU	X	X	X	X	X	CU	CU	CU	X

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
8	**Grading, landfill and on land slope stabilization**											
8a	If accessory to a use that is allowed, allowed as a special use, or allowed as a shoreline conditional use in the shoreline environment for which it is proposed.	P	P	SU	P	P	P	P	P	P	P	P
8b	For ecological mitigation, restoration and enhancement.	P	P	SU	P	P	P	P	P	P	P	P
9	**Heat exchangers**, in-water/aquatic, allowed as a shoreline conditional use in the specified shoreline environments and if located	CU	CU	X	CU	X	CU	CU	CU	CU	CU	CU

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	outside Lake Washington, Lake Union and the Ship Canal.											
10	**Piers and floats**											
10a	If accessory to a water-dependent or water-related use, or if accessory to a single-family use in the CR, UC, UG and UR shoreline environments.	P	CU	SU	P	P	P	P	P	P	P	P
10b	As a parks and open space use if, when compared to existing conditions, there is: 1. No net gain in overwater coverage; 2. No increase in overwater coverage in sensitive	P	X	X	P	SU	P	SU	P	X	X	X

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
	aquatic habitat including migration corridors; and 3. Grating or similar treatment does not count toward required reduction.											
11	**Shoreline stabilization**											
11a	Soft shoreline stabilization.	P	P	P	P	P	P	P	P	P	P	P
11b	Hard shoreline stabilization that meets the additional criteria in Section 23.60A.188.	SU	CU	CU	CU except prohibited on Accretion beaches	SU	SU	SU	SU	SU	SU	CU
12	**Floating dolphins** if accessory to a water-dependent.	SU	CU	X	X	CU	CU	SU	SU	SU	SU	X
13	**Mooring buoys** if accessory to a water-dependent use	SU	X	SU (1)	P (2)	SU	P	P	P	P	P	P (1)

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	or single or multi-family residential use. When a number is listed in parenthesis this number is the maximum number allowed.											
14	**Mooring pilings** if accessory to a water-dependent use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (2)	P (2)	SU	P	P	P	P	P	P (1)
15	**Vegetation and impervious surface management**											
15a	Vegetation management is allowed for maintenance, mitigation	P	P	P	P	P	P	P	P	P	P	P

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Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
15b	sequencing or restoration and enhancement as provided in Section 23.60A.190. Impervious surface management is allowed as provided in Section 23.60A.190 in conjunction with Section 23.60A.158.	P	P	P	P	P	P	P	P	P	P	P

P = Allowed by permit
CU = Shoreline Conditional Use
SU = Special Use
X = Prohibited

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23.60A.174 Standards for artificial reefs

A. In shoreline environments where artificial reefs are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.174.

B. Artificial reefs shall not be located on or in intact, fully functioning in water habitats.

C. Artificial reefs shall be marked with buoys and shall be located to avoid interference with navigation.

D. Artificial reefs shall be designed for restoration and enhancement or for recreational purposes.

E. Artificial reefs shall not contain toxic materials.

F. Artificial reefs and construction related to them shall not adversely impact the stability of any slope on or off the site.

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**.**

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.

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.

23.60A.175 Standards for boat launch and landing facilities

A. In shoreline environments where boat launch and landing facilities are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.175.

B. New or renovated boat launches and landing facilities shall be either:

1. Elevated within the nearshore area to:

a. Minimize the obstruction of currents;

b. Minimize alteration of sediment transport;

c. Eliminate the accumulation of drift logs and debris resulting from the facilities; and

d. Span substrate suitable for forage fish spawning; or

2. Level with the beach slope within the nearshore area and avoid substrate suitable for forage fish spawning pursuant to subsection 23.60A.160.B.

23.60A.176 Standards for breakwaters, jetties, groins and weirs

A. In shoreline environments where breakwaters, jetties, groins and weirs are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.176.

B. The applicant is required to demonstrate that:

1. Any jetty is designed to protect inlet entrances from clogging by excess sediment or to protect a harbor area from storm waves; and

2. If the breakwater, jetty or groin protects a water-dependent use, the benefits to the public provided by that use outweigh any undesirable effects or adverse impacts on the environment or impacts on wave energy, water circulation, or sediment movement adversely affecting other waterfront properties that remain after mitigation sequencing.

C. Mitigation Sequencing. In applying mitigation sequencing pursuant to Section 23.60A.158, the Director shall apply the following additional criteria:

1. Impacts on ecological functions to be addressed include, but are not limited to: construction impacts; modification or obstruction of water circulation and flow; modification of waves and currents; loss of intertidal, sub-tidal, or shallow water habitat; loss or disturbance of food, shelter, spawning, and migration habitat; and loss or disturbance of fish runs, biological communities and biodiversity.

2. The following techniques shall be used in the sequence listed below to mitigate the adverse impacts of breakwaters, jetties, groins and weirs on ecological functions, unless the applicant demonstrates that the priority is inapplicable or not feasible, or that a different sequence or technique will be more effective in reducing adverse impacts:

a. Use of floating structures;

b. Use of structures on piles; and

c. Use of solid fill structures.

23.60A.182 Standards for dredging

A. In shoreline environments where dredging is allowed, allowed as a special use or allowed as a shoreline conditional use it shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.182. Disposal of dredged material is regulated in Section 23.60A.184, Standards for fill.

B. Dredging for the primary purpose of obtaining fill material is prohibited except if it complies with Section 23.60A.172.

C. New development shall be sited and designed to avoid or, if that is not feasible, to minimize to the maximum extent feasible the need for new and maintenance dredging.

D. Dredging shall be timed to be consistent with the state and federal regulatory agencies standards for state aquatic priority species and aquatic species protected under the Endangered Species Act.

E. Dredging operations shall be designed, located, constructed, and managed to minimize impacts to stability of slopes on and off the site.

F. Dredging in harbors, bays or other such basins shall prevent internal deeper pockets that create unflushed aquatic areas.

G. Temporary stockpiling of dredged material in or under water is prohibited.

H. Dredging of material that does not meet the federal Environmental Protection Agency and Ecology criteria for open-water disposal is allowed if the applicant demonstrates that:

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

2. The dredged material will be disposed of at a dry land or contained submerged disposal site that has been approved by the federal Environmental Protection Agency and/or the Dredge Material Management Program (DMMP), or any successor agency or at a site meeting the standards of subsection 23.60A.184.E.

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

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

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

J. In applying mitigation sequencing pursuant to Section 23.60A.158, potential adverse impacts to be addressed include, but are not limited to: turbidity; release of nutrients, heavy metals, sulfides, organic materials or toxic substances; dissolved oxygen depletion; disruption of food chains; loss of benthic productivity; disturbance of fish runs and important biological communities; and loss or modification of shallow water habitat.

23.60A.184 Standards for fill

A. In shoreline environments where fill is allowed or allowed as a special use or a shoreline conditional use it shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.184.

B. Fill materials shall be of a quality that will not cause degradation of water or sediment quality.

C. Solid waste, refuse, and debris shall not be placed in the water or on shorelands.

D. Fills shall be designed, located, constructed, and managed to ensure stability of slopes created including the provision of vegetation, retaining walls, or other mechanisms for erosion prevention.

E. Dredged material not meeting the federal Environmental Protection Agency and Ecology criteria for open-water disposal may be used for fill in the water or shorelands if the applicant demonstrates that:

1. The fill meets the criteria for fill in Section 23.60A.172 and this Section 23.60A.184;

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

3. The fill can be placed in the water or on the land without long-term adverse impacts to water quality, sediment quality, aquatic life, or human health, provided that if the fill is dredged material, placement of the material also complies with Section 23.60A.182; and

4. If classified by the state or federal government as problem or hazardous waste, any required federal Environmental Protection Agency and Ecology approval is obtained.

F. Fill shall not result in the creation of dry land except where necessary for transportation projects of statewide significance, as part of ecological restoration and enhancement, beach nourishment, mitigation, or where necessary to repair pocket erosion as allowed in subsection 23.60A.184.G.

G. Fill that creates dry land that is necessary to repair pocket erosion between adjacent revetments is required to meet the standards of this Section 23.60A.184 and the following standards:

1. The repair of the erosion pocket is necessary to protect water-dependent or water-related uses;

2. The erosion pocket does not exceed 20 feet in length or 100 feet of shoreline, as measured between adjacent revetments;

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

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

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

H. Fill incidental to the repair or replacement of existing shoreline stabilization measures pursuant to Section 23.60A.020 and subsection 23.60A.188.F including, but not limited to, the replacement of riprap, or the replacement of a bulkhead directly in front of an existing bulkhead, as allowed in Section 23.60A.020, does not require approval as fill under this Section 23.60A.184, provided that the fill is the minimum necessary to accommodate the repair or replacement, the repair or replacement has been approved and pursuant to Section 23.60A.158.

I. In applying mitigation sequencing pursuant to Section 23.60A.158, potential adverse impacts to be addressed include, but are not limited to: total water surface reduction; navigation restriction; impediment to water flow and circulation; reduction of water quality; disturbance of fish runs and other biological communities; and loss or modification of upland or shallow water vegetation functions and habitat and the adverse impacts of riprap migrating off-site and the impacts of the riprap at the off-site locations that are not retrieved as allowed pursuant to subsection 23.60A.184.H.

23.60A.185 Standards for grading, landfill and slope stabilization

A. In shoreline environments where grading, landfill or on land slope stabilization are allowed, allowed as special uses or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.185.

B. Grading or landfill that necessitates the installation of a taller bulkhead or additional slope stabilization measures is prohibited unless necessary for the operation of a water-dependent use.

C. Grading, landfill and alteration of natural drainage features and landforms is limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

D. Landfill shall not be placed in the critical root zone of any trees over 6 inches DBH, and grading, landfill and slope stabilization work shall not result in the compaction of soils in the critical root zone of any trees over 6 inches DBH.

E. Spray-on concrete and similar material is prohibited as a slope stabilization method.

F. Slope stabilization on a waterfront lot with the intent to stabilize the shoreline is shoreline stabilization and is regulated pursuant to Section 23.60A.188 and not this Section 23.60A.185.

23.60A.186 Standards for mooring buoys, mooring piles and floating dolphins

A. In shoreline environments where mooring buoys, mooring piles and floating dolphins are allowed, allowed as a special use or allowed as a shoreline conditional use, they shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.186.

B. The design and location of all mooring buoys, mooring piles and floating dolphins shall not interfere with navigational uses.

C. All mooring buoys, mooring piles and floating dolphins shall be:

1. The minimum necessary for the principal water-dependent use to which it is an accessory use; or

2. For accessory use to single-family and multi-family residential use the number allowed in Table A of 23.60A.172.

D. Non-toxic material shall be used unless unreasonable. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited material for mooring buoys, mooring piles and floating dolphins.

23.60A.187 Standards for piers and floats and overwater structures

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.

B. Owners of piers and floats shall require that the operators of vessels moored at residential or non-residential moorage 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:

1. Using on vessels non-toxic cleaners and other products that drain into the water;

2. Limiting the amount of gray water produced by minimizing water use;

3. Disposing of sewage at pump-out stations or through a pump-out service;

4. Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;

5. Storing all outside materials in a secure manner so that they do not enter the water because of wind or wave action;

6. Not using herbicides, pesticides or fertilizers; and

7. Using a double containment system when using products on the vessel to contain any spills in the second receptacle and prevent the products from entering the water.

C. Piers and floats for residential development

1. 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 are otherwise prohibited. 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.

2. Unshared piers are allowed as follows:

a. Existing single-family residences and new single-family residential development of one residence if:

1) Located in freshwater; and

2) The length of the pier and float is 100 feet or less.

b. Existing single-family and existing multi-family residences and new single-family residential development of one residence may have an unshared pier greater than 100 feet in length in freshwater if:

1) First, a mooring buoy is not practicable; and

2) Second, a shared pier is not practicable or cannot meet the standards in subsection 23.60A.187.C.6.

c. Existing single-family and existing multi-family residences and new single-family residential development of one residence may have a pier or float in saltwater if:

1) First, a mooring buoy is not practicable; and

2) Second, a shared pier is not practicable or cannot meet the standards in subsection 23.60A.187.C.6.

3. New single-family development of two or more dwelling units and new multi-family development are required to share piers or provide a community dock facility, unless it is infeasible or cannot meet the standards in subsection 23.60A.187.C.6. Single-family residential development of greater than four residences and multi-family development shall also comply with subsections C, E and F of Section 23.60A.187.

4. Piers are limited to overwater projections, walkways and open-bottom boat or jet-ski lifts. Covered moorage and overwater work sheds are prohibited.

5. Piers and floats shall be designed and used for access to watercraft.

6. Shared piers shall meet the following standards:

a. The owners of the pier shall be owners of waterfront lots located no more than 800 feet apart. More than two property owners may share a pier.

b. Shared piers may be located adjacent to or on both sides of a common lot line of two of the sharing property owners.

c. An application to build a shared pier shall be submitted jointly by the eligible property owners and shall include easements or covenants identifying the location of the shared pier and assuring joint use of the entire facility.

d. The minimum combined lot width for lots sharing a pier is 60 feet.

7. Unshared piers for single-family or multifamily development shall be on a waterfront lot with a minimum lot width of 45 feet.

8. No multifamily lot containing four or fewer dwelling units and no single-family lot shall have more than one pier or float, whether shared or unshared. A multifamily lot containing more than four units may have more than one pier as provided in subsection 23.60A.187.C.9, if overwater coverage is the minimum necessary.

9. Size and number of overwater structures

a. Piers

1) Unshared single-family piers are allowed one linear walkway with one overwater projection and up to two open-bottom boat or jet ski lifts.

2) Shared single-family piers are allowed one linear walkway with one overwater projection per dwelling unit and two open-bottom boat or jet ski lifts per dwelling unit.

3) Multifamily piers are allowed one walkway per 15 dwelling units and one over water projection and open-bottom boat or jet ski lift per two dwelling units, which shall be designed to minimize total over water coverage.

b. Walkways

1) Walkways are required to be located generally parallel to side lot lines and perpendicular to the shoreline.

2) If the shoreline or the lot lines are irregular or the side lot lines are not perpendicular to the shoreline, the Director shall determine the orientation of the walkway to minimize conflicts.

3) No walkway shall exceed 4 feet in width for piers that are not shared, or 6 feet in width for shared piers or piers serving multifamily lots.

4) In Lake Washington, Lake Union, and the Ship Canal, walkways are required to be fixed within 30 feet of the OHW mark. In Puget Sound, the Duwamish River, and Green Lake, walkways may be fixed or floating.

c. Projections. Projections may be located overwater on the sides or waterward end of walkways. Each overwater projection is limited to 100 square feet and shall comply with the length and setback standards of this Section 23.60A.187.

d. Over water projections, boat lifts, and areas used for boat moorage shall be located no closer than 30 feet from the OHW mark unless located in an area where the water depth is at least 8 feet deep at the OHW mark in freshwater or mean lower low water (MLLW) in marine water or ordinary low water.

e. Length of Piers. Piers shall meet the following standards:

1) No pier shall extend waterward from the OHW mark than to a point where the depth of the water at the end of the pier reaches 8 feet below the elevation of OHW in freshwater or below MLLW in marine waters.

2) If the water depth at 100 feet waterward from the OHW mark is less than 6 feet below the elevation of OHW in freshwater or below MLLW in marine water, then the maximum pier length shall be to a point where the water depth at the end of the pier is 6 feet below the elevation of OHW in freshwater or MLLW in marine water or 150 feet, whichever length is least.

3) No pier shall extend beyond the Outer Harbor or Pierhead Line, except in Lake Union where piers are not allowed to extend beyond the Construction Limit Line as shown upon the Official Land Use Map, Chapter 23.32, or except where authorized by this Chapter 23.60A and by DNR and the U.S. Army Corps of Engineers.

10. Improvement of Existing Piers. Existing single-family and multi-family residential piers that do not meet the standards of subsection 23.60A.187.C.9 shall comply with the provisions of Section 23.60A.124; however, if such piers are replaced or undergo substantial improvement, they shall meet either the standards of subsection 23.60A.187.C.9 for the entire pier or reduce the total area of the pier by 20 percent and increase conformity under subsection 23.60A.187.C.9 for any non-conforming portion of the pier.

11. The bottom of all structures over water, except floats or floating piers, shall be at least 1.5 feet above ordinary high water. No pier shall exceed 5 feet in height above the elevation of OHW, except that arched walkways may reach a height of 7 feet above the elevation of OHW within 30 feet waterward of the OHW mark.

12. Swimming floats are allowed in lieu of moorage piers if anchored off-shore a minimum of 30 feet from the OHW mark and limited to 100 square feet for single-family and two-family dwelling units and an additional 50 square feet per dwelling unit for three or more family dwelling units; such swimming floats are not required to meet the standards of subsections 23.60A.187.C.3 and 23.60A.187.C.9.

13. No pier shall be located within 15 feet of a side lot line unless the pier is shared with the owner of that adjacent waterfront lot. An existing pier not meeting this provision may be extended to the maximum length permitted in subsection 23.60A.187.C.9.e.

14. Piers and floats shall be fully grated with the maximum light permeability feasible.

15. Non-toxic material shall be used to the maximum extent reasonable. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling.

16. Fees or other compensation may not be charged for use of piers accessory to residences in the CR and UR Environments, except for piers and floats subject to subsection 23.60A.187.D.

17. Residential developments providing moorage in excess of 3,500 linear feet shall provide:

a. Self-service sewage pump-out facilities or the best available method of disposing of sewage wastes from boats, as determined by the Director; and

b. Either a vacuum apparatus or oil-absorbent materials and waste receptacles for disposal of bilge wastes.

D. Single-family residential development of greater than four residences and multi-family residential development constructing piers and floats shall establish and operate the use as a recreational marina and shall comply with the standards of subsections 23.60A.187.C, 23.60A.187.F and 23.60A.187.G and subsections 23.60A.200.B, 23.60A.200.C and 23.60A.200.D.

E. Non-residential development. Piers and floats accessory to non-residential development shall meet the following standards:

1. Piers and floats are allowed as follows and otherwise are prohibited:

a. If the applicant demonstrates they are necessary to accommodate boat moorage, boat repair, or loading and offloading of passengers, goods or materials to and from vessel uses;

b. If part of a parks and open space shoreline use; or

c. Piers and floats solely for the purpose of public access if the applicant demonstrates a pier is necessary to accommodate a view that would otherwise be substantially blocked by adjacent overwater buildings.

2. The size of piers and floats allowed in subsections 23.60A.187.E.1.a through 23.60A.187.E.1.c is the minimum necessary for the intended use.

3. Covered moorage is prohibited.

4. Over water work sheds are allowed if they are:

a. Located in the UC, UI and UM Environments and limited to 20 percent overwater coverage of the submerged portion of the development site;

b. Accessory to a vessel repair use; and

c. Maintain the maximum light permeability feasible.

5. Non-toxic material shall be used to the maximum extent reasonable. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds is prohibited for decking or piling.

6. Light transmitting features are required to be installed for all new and replaced piers and floats to the maximum extent feasible taking into account the structural and use requirements of the pier and the potential for discharges that might pollute the water. If the site is used for the following, it is considered infeasible to include light transmitting features:

a. The pier is used for average loads greater than 30 pounds per square foot.

b. The pier functions as spill prevention or secondary containment for the following:

1) Toxic substances or material such as oil or fuel that is transported across the deck. This does not apply to the substances used to operate the equipment used on the deck;

2) Fueling of vessels; or

3) Storm water that is collected and recycled or treated prior to discharge.

7. Piers shall not extend beyond the Outer Harbor or Pierhead Line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown upon the Official Land Use Map, Chapter 23.32, or except where authorized by this Chapter 23.60A and by DNR and the U.S. Army Corps of Engineers.

F. Non-commercial slip-side vessel maintenance on piers and floats is limited to:

1. Interior vessel repair and cleaning, replacement of running gear and other cleaning and repair activities, excluding hull scraping, which is prohibited;

2. Twenty five percent of the exterior of the boat at one time. The Director may establish appropriate best management practices based on Department of Ecology's Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811, in a Director's Rule.

G. In applying mitigation sequencing pursuant to Section 23.60A.158, adverse impacts to ecological functions to be addressed include, but are not limited to: shading of habitat and vegetation; adverse impacts to migration corridors; creation of habitat for non-native or abundant predator species; changes to the strength and pattern of wave and water movement; alteration of growing conditions and aquatic productivity; pollution resulting from boat and other uses (including maintenance of facilities and ancillary recreation uses); and remaining shading of habitat after installation of grating.

23.60A.188 Standards for shoreline stabilization

A. In shoreline environments where shoreline stabilization is allowed, allowed as a special use, or allowed as a shoreline conditional use, it shall comply with the standards in Section 23.60A.172 and in this Section 23.60A.188.

B. Classification of practices. Shoreline stabilization practices are classified as non-structural measures, soft stabilization, or hard stabilization.

C. Geologically hazardous areas. In addition to meeting the standards of this Section 23.60A.188, an applicant for shoreline stabilization to protect existing principal residential structures in geologically hazardous areas is required to demonstrate that no alternatives, including relocation or reconstruction of existing structures, are feasible and less expensive than the proposed stabilization structures or measures to protect the structure.

D. Soft shoreline stabilization shall comply with subsections 23.60A.188.A, 23.60A.188.C, 23.60A.188.G and 23.60A.188.H and the following standards:

1. The size of the soft stabilization measure shall be the minimum necessary.

2. Soft stabilization projects are allowed to extend waterward of the OHW mark, if they do not move the line of the OHW mark waterward.

E. New hard stabilization shall comply with subsections 23.60A.188.A, 23.60A.188.C, 23.60A.188.G and 23.60A.188.H and the following standards:

1. New hard stabilization is prohibited unless a geotechnical report conclusively demonstrates that the conditions set out in subsections 23.60A.188.E.1.a, b, c, d, and e exist, except as provided in subsections 23.60A.188.E.2 and 23.60A.188.E.3:

a. Existing principal structures or access to existing principal structures:

1) An existing principal structure or access to an existing principal structure is in imminent danger of erosion damage caused by tidal action, currents or waves. Imminent danger is demonstrated by the likelihood of either undermining or loss of lateral support for foundations within three years at a constant rate of erosion or vulnerability to a large one-time event; or

2) Where waiting until an existing principal structure or access to an existing principal structure is in imminent danger as described in subsection 23.60A.188.E.1.a.1 would foreclose the opportunity to use measures that avoid impacts on ecological functions; or

3) An existing water-dependent or water-related use or access to an existing water-dependent or water-related use is in need of protection from erosion and this need is demonstrated through a geotechnical report.

b. Erosion is not caused by upland conditions, such as vegetation loss or drainage problems.

c. It is infeasible, or sufficient protection is not provided by:

1) First, using nonstructural measures, planting vegetation, or installing on-site drainage improvements; and

2) Second, including or using soft stabilization methods.

d. The proposed hard stabilization would prevent or reduce structural damage.

e. Installation and maintenance of hard stabilization will not result in adverse impacts to adjacent properties.

2. For ecological restoration and enhancement, or remediation of hazardous substances, the geotechnical report must demonstrate the conditions set out in subsections 23.60A.188.E.1.b, 23.60A.188.E.1.c, and 23.60A.188.E.1.e.

3. Placing hard stabilization in front of the existing hard stabilization structure is allowed if the site is used for at least one of the following:

a. The bulkhead or piers on the site are used to moor vessels that are off-loaded or loaded as part of the operation of the use of the site;

b. The bulkhead is needed to provide load-carrying land immediately adjacent to the shoreline that allows heavy trucks access to vessels or heavy equipment for the operation of the use of the site;

c. The bulkhead and adjacent land is used to provide access to vessels undergoing repair;

d. The area adjacent to the bulkhead is used for fuel transfer to vessels;

e. The area adjacent to the bulkhead is used for equipment for the operation of the water-dependent or water-related use of the site; or

d. The bulkhead is required to provide sufficient depth at the shoreline to allow large, deep draft vessels to moor at the docks allowed within the pier head line.

4. The size of the stabilization measure shall be the minimum necessary.

F. Replacement of hard stabilization shall comply with subsections 23.60A.188.A, 23.60A.188.C, 23.60A.188.G and 23.60A.188.H and the following standards:

1. Replacement of existing hard stabilization structures is allowed for:

a. water-dependent or water-related uses if it is infeasible to use nonstructural measures, soft stabilization, or if the site is used for the following:

1) The bulkhead or piers on the site are used to moor vessels that are off-loaded or loaded as part of the operation of the use of the site;

2). The bulkhead is needed to provide load-carrying land immediately adjacent to shoreline that allow heavy trucks access to vessels or heavy equipment for the operation of the use of the site;

3) The bulkhead and adjacent land is used to provide access to vessels undergoing repair;

4) The area adjacent to the bulkhead is used for fuel transfer to vessels;

5) The area adjacent to the bulkhead is used for equipment for the operation of the water-dependent or water-related use of the site;

6) The bulkhead is required to provide sufficient depth at the shoreline to allow large, deep draft vessels to moor at the docks allowed within the pier head line; or

7) The bulkhead provides containment of pollution sources to the adjacent water body and is a requirement of an agency mandated cleanup action.

b. Ecological restoration and enhancement;

c. Remediation of hazardous substances; or

d. An existing principal use, principal structure or substantial appurtenant structure that is located 15 feet or less from the OHW mark, or the vertical difference from 5 feet inland of the OHW mark to 5 feet waterward of the OHW mark is greater than 2.5 feet (as illustrated in Exhibit A for 23.60A.188).

2. Replacement of existing hard stabilization is otherwise prohibited unless the applicant demonstrates the need for replacement by providing a geotechnical report establishing that:

a. An existing principal structure or substantial appurtenant structure is in imminent danger of erosion damage caused by tidal action, currents, or waves. Imminent danger

is demonstrated by the likelihood of either undermining or loss of lateral support for foundations within three years at a constant rate of erosion or vulnerability to a large one-time event; or

b. Where waiting until an existing principal structure or access to an existing principal structure is in imminent danger as described in subsection 23.60A.188.E.1.a.1 would foreclose the opportunity to use measures that avoid impacts on ecological functions; and

c. Non-structural and soft stabilization will not provide adequate protection, and the proposed hard stabilization will prevent or reduce structural damage.

3. Location and size of replacement of existing hard stabilization

a. Replacement of hard stabilization shall not encroach waterward of the ordinary high-water mark or existing structure unless it is to protect a residence that has been continuously occupied since December 31, 1991, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

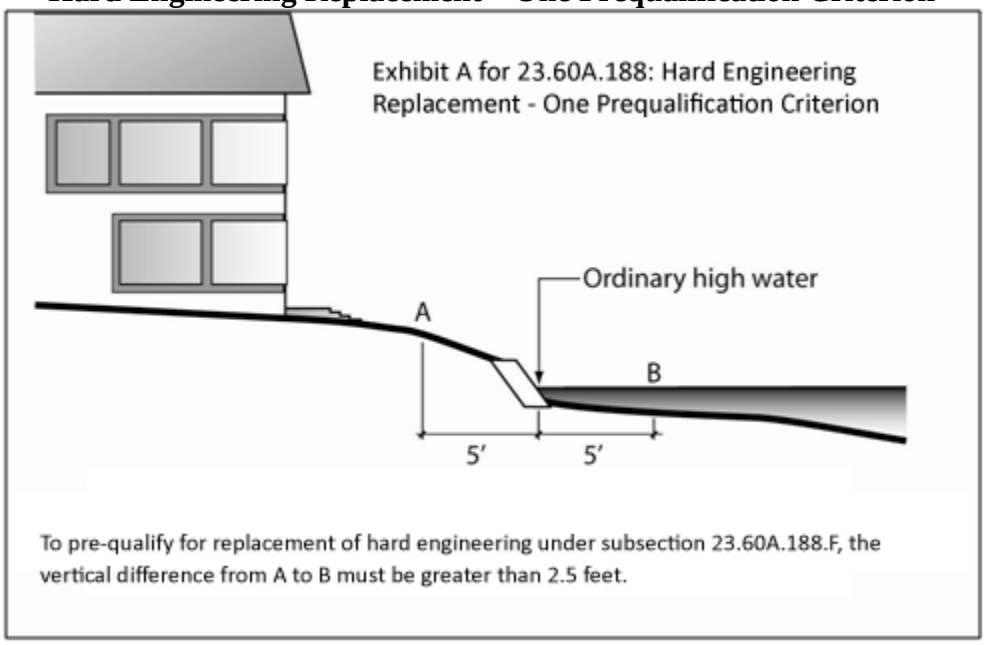
b. Replacement of hard stabilization waterward of existing hard stabilization is regulated as new hard stabilization under subsection 23.60A.188.E.

4. The size of the stabilization measure shall be the minimum necessary.

5. Additions to or increases in size of existing hard stabilization shoreline stabilization structures are considered new structures and regulated under subsection 23.60A.188.D.

6. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, it shall be removed as part of the replacement measure.

Exhibit A for 23.60A.188
Hard Engineering Replacement – One Prequalification Criterion



G. Publicly financed or subsidized shoreline stabilization shall not restrict public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. If feasible, the publicly financed or subsidized shoreline stabilization shall incorporate ecological restoration and enhancement and public access improvements into the project.

H. Mitigation sequencing

1. In applying mitigation sequencing pursuant to Section 23.60A.158, adverse impacts on ecological functions from shoreline stabilization include, but are not limited to:

a. the impacts on size of substrate and the effects of beach slope on waves; and

b. for new or replaced hard stabilization, disturbance of underwater substrate; turbidity; loss or disturbance of food, shelter, spawning, and migration habitat; loss or disturbance of fish runs, biological communities and biodiversity, particularly benthic productivity; and change in water depth including ongoing scouring. Ongoing scouring means the continuation of substrate movement that causes deeper water.

2. In designing a project, the following priorities are established, and these measures are required to be used in the sequence listed below to reduce the adverse impacts of shoreline stabilization, unless the applicant demonstrates that the priority is inapplicable or not feasible, or that a different sequence or technique will be more effective in reducing adverse impacts.

a. Approaches to shoreline stabilization. Non-structural practices are required unless infeasible or are not sufficient to provide protection. If non-structural practices are infeasible or insufficient then soft stabilization takes priority over hard stabilization.

b. Hard stabilization. For new or replaced hard stabilization, the order of priority is as follows:

1) Riprap;

2) Terraced and stepped bulkheads with an average slope of 30 percent or less;

3) Sloped bulkhead, with a slope of 30 percent or less;

4) Terraced and stepped bulkheads with an average slope that is greater than 30 percent;

5) Sloped bulkhead, with a slope greater than 30 percent; and

6) Vertical bulkhead.

23.60A.190 Standards for vegetation and impervious surface management

A. Planting, disturbing or removing vegetation and adding, altering or removing impervious surface shall comply with the provisions of this Chapter 23.60A, including Sections 23.60A.156, 23.60A.158, and 23.60A.172,unless provided otherwise in this Section 23.60A.190.

B. Application and plans

1. An application and a plan are required for all actions allowed under this Section 23.60A.190, unless specifically provided otherwise in this Section 23.60A.190.

2. Applications shall be made on the form approved by the Director.

3. Plans prepared under this Section 23.60A.190 shall be consistent with the standards promulgated by the Director and with best management practices.

4. Plans prepared under this Section 23.60A.190 shall be prepared by a qualified professional with training and experience related to the type of ecological environment where the work will occur.

5. Plans shall identify:

a. The location and size of all disturbance areas;

b. The type and area of the existing ground surface coverage;

c. The size, species, and location of existing trees;

d. The type and area of final proposed ground surface coverage; and

e. The species and location of proposed trees.

6. Plans shall display the vegetation areas and improvements that are provided as mitigation for project impacts.

C. Shoreline District waterward of the OHW mark. Waterward of the OHW mark vegetation management is allowed or prohibited as provided in subsections 23.60A.190.C.1 and 23.60A.190.C.2 and requires mitigation as provided in subsection 23.60A.190.C.3.

1. Removing or disturbing aquatic vegetation, except for aquatic noxious weeds, is prohibited except as necessary for development, uses or shoreline modifications approved under this Chapter 23.60A and authorized by the Director.

2. Aquatic noxious weed removal

a. Removing or controlling aquatic noxious weeds is allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited as provided in Section 23.60A.172 and this Section 23.60A.190.

b. In removing aquatic noxious weeds the following techniques are required to be used in the sequence listed below, unless the applicant demonstrates that the priority is inapplicable or not feasible or that a different sequence or technique will be more effective in reducing impacts on ecological functions; all other techniques are prohibited:

1) Hand-pulling or mechanical harvesting and cutting;

2) Placement of bottom barriers. Bottom barriers are required to be made of biodegradable material and shall not cover an area greater than 1,000 square feet;

3) Rotovating, weed rolling, or other methods that disturbs bottom sediments or the benthos;

4) Use of herbicides or other chemical treatment methods applicable to the control of aquatic noxious weeds that are approved by Ecology and the federal Environmental Protection Agency.

3. In applying mitigation sequencing pursuant to Section 23.60A.158, adverse impacts on ecological functions to be addressed include, but are not limited to: disturbance of underwater substrate; turbidity; loss or disturbance of food, shelter, spawning, and migration habitat; and loss or disturbance of fish runs, biological communities and biodiversity, particularly benthic productivity.

D. Shoreline District landward of the OHW mark. Vegetation and impervious surface management activities are prohibited within the portion of the Shoreline District that is landward of the OHW mark, both within and outside the shoreline setback, except as follows or as otherwise provided in this Section 23.60A.190:

1. Normal and routine pruning and maintenance that promotes the health and vigor of trees and shrubs and maintenance of existing impervious surface is allowed as set out in this subsection 23.60A.190.D.1 without submitting an application and without complying with Section 23.60A.158 unless a violation has occurred:

a. Up to 750 square feet of trees and vegetative cover lawfully maintained prior to May 9, 2006;

b. Lawns paths and landscaping lawfully maintained prior to May 9, 2006, that were not in an environmentally critical area or buffer prior to May 9, 2006, but are in an environmentally critical area or buffer as a result of the passage of Ordinance 122050 enacting regulations for environmentally critical areas;

c. Steep slope areas created through previous legal grading activities, including rockeries or retaining walls resulting from right-of-way improvements, if no adverse impact on the steep slope or shoreline area will result;

d. Trees and vegetation specifically approved by permit prior to May 9, 2006, if the conditions of that permit are complied with;

e. Vegetation and tree planting and removal approved by the Director under subsections 25.09.320.A.3.b and 25.09.320.A.3.c before the effective date of this ordinance; and

f. Vegetation and tree planting and removal shown on a plan filed with the Department of Planning and Development in compliance with subsection 25.09.320.A.3.b before the effective date of this ordinance.

2. Actions taken under subsections 23.60A.190.D.1.d, 23.60A.190.D.1.e and 23.60A.190.D.1.f are required to comply with the conditions on such permit or plans.

3. Removing trees is allowed if the Director determines the tree is a threat to health or safety based on a report prepared by a qualified professional with a Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training and the removal is performed by or under the direction of a qualified professional. If a tree is removed from designated shorelines of statewide significance as defined by RCW 90.58.030, a shoreline conditional use permit is required.

4. Permits authorizing development, shoreline modifications and uses may authorize disturbance areas and land clearing using mitigation sequencing set forth in Section 2360.158 and complying with the following standards:

a. Any surface disturbed or cleared of vegetation and not to be used for development shall be planted with native vegetation, except that pre-disturbance landscaped areas containing non-native vegetation located outside the shoreline setback may be re-landscaped using non-native, noninvasive vegetation;

b. Mitigation required for subsection 23.60A.158.B.1.e (Step E) shall include a plan with the vegetation areas and improvements required for project impacts; and

c. Mitigation required for subsection 23.60A.158.B.1.e (Step E) for the removal of trees shall include compensation for any loss of the contribution of woody debris into the adjacent aquatic environment.

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 be located are allowed landward of the OHW mark as follows and are otherwise prohibited:

1. No vegetation shall be removed, the amount of impervious surface shall not be increased, and no surface that is permeable by water at the time of the application shall be covered with an impervious surface so that impervious surface will be closer to the OHW; or

2. If any of the actions described in subsection 23.60A.190.E.1 occur and that action impacts ecological functions, those impacts are mitigated as set out in Section 23.60A.158 and subsection 23.60A.190.H.

F. Shoreline Setback. Within the shoreline setback established for each environment, any land disturbing activity, and any action detrimental to aquatic or wildlife habitat, vegetation or trees is prohibited, except as provided in subsections 23.60A.190.D and 23.60A.190.E, or as necessary to carry out work authorized by the Director in the shoreline setback for the applicable environment or in Section 23.60A.124, or as follows:

1. Replacing any vegetation or ground surface coverage by planting native vegetation in an area of 300 square feet or less per year is allowed without submitting an application only if:

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed; and

d. No nonnative trees over 6 inches DBH are removed.

2. Restoring or improving vegetation and trees using native vegetation in areas of any size is allowed if the work is performed by or under the direction of a qualified professional with training and professional experience related to the type of ecological environment where the work will occur; and

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed;

d. No nonnative trees over 6 inches DBH are removed; and

e. The project promotes maintenance or creation of a naturally functioning condition that prevents erosion, protects water quality, or provides diverse habitat.

G. Outside the shoreline setback. Within the Shoreline District but outside of the shoreline setback area, removing or altering vegetation is prohibited, except as provided in subsection 23.60A.190.D or as follows:

1. Replacing any vegetation or ground surface coverage by planting native vegetation in an area of 750 square feet or less per year is allowed without submitting an application only if:

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed; and

d. No non-native trees over 6 inches DBH are removed.

2. Restoring or improving vegetation and trees in areas of any size is allowed if the work is performed by or under the direction of a qualified professional with training and professional experience related to the type of ecological environment and only if:

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed;

d. No non-native trees over 6 inches DBH are removed; and

e. The project promotes maintenance or creation of a naturally functioning condition using native vegetation that prevents erosion, protects water quality, and provides diverse habitat.

H. Mitigation for vegetation alteration and increase in impervious surface. If vegetation is lawfully altered or removed other than as allowed in subsections 23.60A.190.D.1, 23.60A.190.E.1 and 23.60A.190.F.1 or if there is an increase in impervious surface that is required for work authorized pursuant to this Chapter 23.60A, adverse impacts to ecological functions shall be addressed as follows:

1. Mitigation sequencing shall be applied pursuant to Section 23.60A.158. Mitigation must achieve the equivalent ecological functions as the conditions existing in the Shoreline District immediately prior to the work.

2. In applying mitigation sequencing pursuant to Section 23.60A.158, adverse impacts on ecological functions to be addressed include, but are not limited to:

a. loss of shading to nearshore aquatic habitat;

b. loss of organic inputs critical for aquatic life;

c. loss of habitat for insects and other terrestrial species;

d. loss of woody debris inputs to the aquatic system;

e. loss of soil stabilization functions; and

f. loss of stormwater filtering, detention, and infiltration.

3. In applying mitigation sequencing the following actions are required to offset impacts of vegetation and impervious surface management, unless the applicant demonstrates the action is inapplicable, infeasible or a different approach will be more effective in mitigating impacts.

a. Location of plantings. Plantings provided for mitigation purposes shall be sited as close to the OHW mark as possible on waterfront lots and adjacent to other vegetation on both waterfront and upland lots.

b. Replacement of vegetation. If vegetation and impervious surface management results in a reduction of trees, shrubs, or groundcovers, or a change from mature vegetation to new vegetation, the plantings that provide mitigation shall at the time they are installed replicate the pre-disturbance level of ecological function provided by the vegetation that is replaced.

c. Plant selection. Mitigation plantings shall be native species suited to specific site conditions.

d. Pervious surfaces. If vegetation and impervious surface management results in a loss of pervious surfaces, mitigation shall create new pervious surfaces or replicate the functions of pervious surfaces according to the standards in Volume 3 of the Stormwater Manual DR 17-2009.

e. Vegetation and impervious surface management actions requiring soil disturbance shall use appropriate best management practices to prevent sediment runoff into the shoreline area.

f. Maintenance is required to ensure 80 percent survival of new vegetation planted at the end of five years.

I. Vegetation monitoring is required for any vegetation planting within the Shoreline District that requires submittal of an application under this Section 23.60A.190 and for projects that required a shoreline substantial development permit or a building permit. The monitoring plans shall include:

1. Five years of monitoring that ensures eighty percent survival of the vegetation planted;

2. Annual inspections of the plants;

3. Replacement of failed plants;

4. Removal of exotic invasive species that may have become established; and

5. Photographic documentation of planting success.

J. Application of pesticides and fertilizers in the Shoreline District

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. 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).

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:

a. The state or local Health Department recommends or directs their use to address a threat to public health;

b. A county, state, or federal agency with jurisdiction directs their use for control of a state listed noxious weed or plant pests covered by the Washington State Department of Agriculture plant pest program, and non-chemical alternatives have been evaluated;

c. If the Director determines the applicant has demonstrated that the use of pesticides will have no adverse impact to fish and wildlife. Such a determination may be in the form of concurring that the applicant has developed best management practices or an integrated pest management plan consistent with standards developed by the Director;

d. If the Director has determined that use of a pesticide to control invasive plants would have less overall adverse environmental impact than other control strategies; or

e. If the Director determines there is a serious threat to public safety, health, or the environment.

Part 5 Standards Applicable to Specific Uses

23.60A.192 Applicable standards for specific uses

All uses and developments in the Shoreline District, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the applicable environment in which the use or development is located.

23.60A.193 Standards for agriculture

A. In shoreline environments where agriculture is allowed or allowed as a special use or a shoreline conditional use it shall comply with the standards for agriculture in this Section 23.60A.193.

B. Agricultural uses shall not remove native vegetation; and

C. Agricultural uses shall be sited in areas that result in the least disturbance to ecological functions.

23.60A.194 Standards for aquaculture

A. In shoreline environments where aquaculture is allowed or allowed as a special use or a shoreline conditional use it shall comply with the standards for aquaculture in this Section 23.60A.194.

B. Aquaculture facilities are required to be located, designed, constructed and managed so as not to spread disease to native aquatic life, adversely impact eelgrass and macroalgae, or significantly conflict with navigation.

C. Aquaculture facilities are required to use best management practices to mitigate impacts from the construction and management of the facilities.

D. Aquaculture facilities shall not cultivate nonnative species.

E. In addition to the regulations and requirements in this Chapter 23.60A, geoduck aquaculture shall meet the standards of WAC 173-26-241(3)(b).

23.60A.196 Standards for bridges over water and tunnels

A. In shoreline environments where bridges over water and tunnels are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment and this Section 23.60A.196.

B. Bridges over water where required for subdivisions, shall span any floodway or channel migration zone.

C. In mitigating impacts from bridges over water, including approaches to bridges, impacts shall be addressed in the following sequence:

1. Access points that do not require crossing water bodies are required to be used when available;

2. Shared crossings with existing crossings shall be used if feasible;

3. The route of the bridge and appurtenant structures shall be sited in the locations that have the least possible adverse effect on unique or fragile shoreline features;

4. Mitigating impacts on ecological functions including, but not limited to, shading of aquatic and wetland habitat; modification or obstruction of water circulation and flow; loss or disturbance of intertidal, sub-tidal, or shallow water habitat; loss or disturbance of food, refuge, spawning, and migration habitat; and loss or disturbance of fish runs, biological communities and biodiversity; and

5. Mitigating impacts to view corridors, which shall be minimized.

D. In mitigating impacts from tunnels, including entry ways to and exit ways from tunnels and accessory structures, impacts shall be addressed in the following sequence:

1. The route of the tunnel and accessory structures shall be sited in locations that have the least possible adverse effect on unique or fragile shoreline features; and

2. Adverse impacts to views of the water from waterfront parcels shall be minimized.

23.60A.198 Standards for drive-in businesses

Drive-in businesses are not allowed on waterfront lots in the Shoreline District. Drive-in businesses may be allowed on upland lots in the Shoreline District subject to the provisions of the underlying zone and other special districts.

23.60A.199 Standards for intakes and outfalls

A. Intakes and outfalls shall be designed and constructed to prevent the entry of fish.

B. Intakes and outfalls shall be located, designed, constructed, and managed to prevent erosion and threats to slope stability, including the use of appropriate energy dissipation at the discharge end.

C. In mitigating impacts from intakes and outfalls, impacts shall be addressed as follows:

1. Intakes and outfalls and appurtenant structures shall be sited in the locations that have the least possible adverse effect on unique or fragile shoreline features; and

2. Mitigating impacts on ecological functions includes, but is not limited to, impacts from modification or obstruction of water circulation and flow and disturbance of intertidal, sub-tidal, or shallow water habitat.

23.60A.200 Standards for marinas, commercial and recreational

A. In shoreline environments where commercial marinas and recreational marinas are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment and this Section 23.60A.200.

B. General standards. When new marinas are established or when substantial development occurs at an existing marina the following development standards apply:

1. Marina operators shall develop a best management practices (BMPs) document for marina tenants. This document shall, at a minimum, address the requirements of subsections B.2 through B.5 of Section 23.60A.200. Moorage agreements shall include the BMPs document and a section in the document that states that by signing the moorage agreement the tenant has read and agrees to comply with the BMPs.

2. Marina owners shall require owners and operators of vessels moored in recreational marinas or commercial marinas shall use BMPs to minimize impacts on the aquatic environment. The BMPs include the following:

a. Using non-toxic cleaners and other products used on vessels that drain into the water;

b. Limiting the amount of gray water produced by minimizing water use;

c. Disposing of sewage at pump-out stations or through a pump-out service;

d. Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;

e. Storing all outside materials in a secure manner so that they do not enter the water because of wind or wave action;

f. Not using herbicides, pesticides or fertilizers; and

g. Using a double containment system when using products on the vessel to contain any spills in the second receptacle and prevent the products from entering the water.

3. Marinas shall be operated and managed in a manner to preserve water quality pursuant to Title 22, subchapter VIII, Stormwater Code, and to protect the public health. The Director shall adopt a rule establishing model BMPs based on Department of Ecology's Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 as a minimum standard.

4. Non-commercial slip-side vessel maintenance is limited to:

a. Interior vessel repair and cleaning, replacement of running gear and other cleaning and repair activities excluding hull scraping and painting, which is prohibited.

b. Twenty-five percent of the exterior of the vessel above the deck at any one time; exterior work involving paint, varnish and other toxic substances below the deck is prohibited. The Director may establish appropriate BMPs based on Department of Ecology's

Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director's Rule.

5. Marinas shall provide restrooms connected to the sewer system for use by any patron of the marina facility. At a minimum, the facilities are required to include one toilet and one washbasin. The Director shall determine the need for additional facilities to provide reasonable hygiene based on the number of slips, percentage of live-aboard slips, and the number of transient moorage slips within the marina.

6. Marinas having either more than 3,500 linear feet of moorage or slips large enough to accommodate vessels larger than 20 feet in length shall provide a sewage pump-out facility or the best available method of disposing of sewage wastes.

7. In Lake Washington and the Puget Sound overwater projections, boat lifts, and areas used for vessel moorage shall be located a minimum distance of 30 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable. In Lake Union and Portage Bay overwater projections, boat lifts, and areas used for vessel moorage shall be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable.

8. Marinas shall be designed to prevent water stagnation and the need for dredging by creating two openings at the opposite ends so that water and sediment moves through the marina to the extent reasonable.

9. Piers shall be oriented with currents or prevailing winds to prevent trapping surface debris and oily residue to the extent reasonable.

10. Standards for piers and floats are provided in Section 23.60A.187.

C. Additional general development standard for new marinas. New marinas shall be located in areas that have a flushing rate of at least 30 percent per 24 hours. If a flushing rate of 30 percent per 24 hours is not achievable because water flow is controlled by the operation of the Hiram M. Chittenden Locks the flushing rate shall be 30 percent per 24 hours to the extent reasonable.

D. Additional general development standards for new recreational marinas

1. Public access for new recreational marinas is required as follows:

a. Marinas with a dry land lot depth of less than 35 feet are exempt from the requirement to provide public access under this subsection 23.60A.200.D;

b. Marinas providing less than 2,000 linear feet of moorage space and containing only water-dependent or water-related principal uses are exempt from the requirement to provide public access under this subsection 23.60A.200.D.

c. For a marina providing less than 9,000 linear feet of moorage space, the minimum public access is an improved walkway 5 feet wide on an easement 10 feet wide leading to an area located at the marina's water frontage, which shall be 10 feet wide and shall provide 10 feet of water frontage for every 100 feet of the marina's water frontage.

d. For a marina providing 9,000 or more linear feet of moorage space, the minimum public access is an improved walkway 5 feet wide on an easement 10 feet wide leading to a public walkway 5 feet wide on an easement 10 feet wide located along the entire length of the marina's water frontage.

e. Easements are not required for publicly owned marinas.

2. Transient Moorage. Recreational marinas shall provide transient moorage as follows:

a. When a new recreational marina is established or substantially improved it shall provide transient moorage for recreational vessels at the rate of 40 linear feet of transient moorage space for each 1,000 linear feet of non-transient moorage space in the marina if either:

1) The marina provides 9,000 or more linear feet of non-transient moorage; and

2) The marina is part of a development that includes a restaurant or other use that is not water-dependent or water-related and that operates during evening and weekend hours; or

3) The marina is owned, operated, or franchised by a governmental agency for use by the general public.

b. The Director may waive the requirement for transient recreational moorage if the Director finds adequate transient moorage already exists within ¼ mile of the marina.

c. Transient moorage for commercial vessels may be required as part of a recreational marina providing more than 9,000 linear feet of moorage if the site is within ¼ mile of commercial facilities generating unmet commercial transient moorage demand. Transient moorage for commercial vessels shall be provided at the rate of 100 linear feet of transient moorage space for each 2,000 linear feet of non-transient moorage space.

E. Additional general development standards for commercial marinas. Commercial marinas providing more than 9,000 linear feet of moorage shall provide transient moorage for commercial vessels at the rate of 50 linear feet of transient moorage space for each 1,000 linear feet of non-transient moorage space if the site is within ¼ mile of commercial facilities generating unmet commercial transient moorage demand.

F. Commercial and recreational marinas may provide moorage for vessels used as live-aboard vessels if the marina meets the following standards, in addition to the general development standards in subsections 23.60A.200.A through 23.60A.200.D:

1. The live-aboard vessel is the type of vessel allowed to be moored at the commercial or recreational marina; and

2. The marina provides shower facilities connected to a sanitary sewer that are adequate to serve the number of live-aboard vessels moored at the marina.

23.60A.202 Standards for Floating homes and floating home moorages

A. Floating homes allowed and prohibited

1. Floating homes are allowed if they meet the standards either in subsections 23.60A.202.A.1.a and 23.60A.202.A.1.b or in subsection 23.60.202.A.1.c:

a. The floating home is:

1) Legally established on the effective date of this ordinance; or

2) Replaces a floating home legally established on the effective date of this ordinance and in compliance with subsection 23.60A.202.D.5 and the standards of this Section 23.60A.202; and

b. Occupies a floating home moorage that is legally established on the effective date of this ordinance; or

c. The floating home complies with the standards of subsection 23.60A.202.D and occupies a floating home moorage that was established prior to January 1, 2011, and was not fully occupied on the effective date of this ordinance.

2. Floating homes that do not meet the standards of subsection 23.60A.202.A.1 are prohibited.

B. Standards for floating home moorages and sites

1. Moorage Location

a. Every floating home moorage shall be located on privately owned or privately controlled premises. Floating home moorages are prohibited from being located in any waterway or fairway or in the public waters of any street or street end, except as provided in subsections 23.60A.202.B.1.b, 23.60A.202.B.1.d and 23.60A.202.B.1.e.

b. Floating home moorages that were located in public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes are allowed if they:

1) Have continuously existed in such locations;

2) Comply with all the provisions of this Chapter 23.60A;

3) Are authorized by a use and occupancy permit approved by the Director of Transportation; and

4) Are not moved from its existing site.

c. Floating homes may not relocate to that portion of a floating home moorage occupying public waters.

d. Floating home moorages are allowed to be located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area if the same person owns or leases the property abutting on both sides.

e. Floating home moorages existing as of January 1, 1974, are allowed to be located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, if the occupant of the floating home owns or leases the private portion of the floating home site and has obtained a long-term permit from the City to occupy the abutting street area.

2. New floating home moorages and sites

a. A new floating home moorage or a new floating home site at an existing floating home moorage is allowed in the UR Environment if:

1) The floating home moorage or site will be used to accommodate a floating home moored in a floating home moorage lawfully existing on the effective date of this ordinance;

2) It is located in Lake Union or Portage Bay; and

3) It complies with the standards in this Section 23.60A.202.

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:

1) The floating home moorage or site is necessary to accommodate a floating home moored in a floating home moorage lawfully existing on the effective date of this ordinance that is unable to continue to moor in that floating home moorage for the reasons set out in subsections E, F, or G of Section 7.20.040;

2) It is located in Lake Union or Portage Bay;

3) The floating home moorage or site is added to a recreational marina, commercial marina, or floating home moorage existing as of December 31, 1987;

4) If the floating home moorage is to be located within a recreational marina or commercial marina, the marina has no more than two existing floating home sites at the marina;

5) No more than one such floating home moorage or site may be added to any marina or floating home moorage after April 1, 1987; and

6) It complies with the standards in this Section 23.60A.202. except that there are no parking or minimum site area requirements.

c. Total water coverage, including all floating home moorage walkways, in the new floating moorage or in the expanded portion of the existing floating home moorage shall not occupy more than 45 percent of the submerged area, including the floating home.

d. Each new floating home site in a new or expanded floating home moorage shall meet the following standards:

1) The area for a floating home site is a minimum of 2,000 square feet;

2) Floating home sites shall have sufficient dimensions to accommodate a floating home meeting the standards of subsection 23.60A.202.D;

3) Floating home sites shall be configured so that a floating home cannot extend beyond the waterward end of the pier;

4) Floating home sites shall not be located within 15 feet of the OHW mark;

5) Floating home sites shall have direct access to a pier of not less than 5 feet of unobstructed width that is accessible from a street; and

6) Floating home sites shall have at least 20 feet of frontage on water continuously open to navigation.

e. A new floating home moorage or site established for a floating home that is unable to continue mooring in a floating home moorage lawfully existing as of the effective date of this ordinance for the reasons set out in subsection E, F, or G of Section

7.20.040 "Safe Harbor", is not required to comply with parking or minimum floating home site area requirements.

3. Existing floating home moorages and sites

a. Total water coverage of floating home moorages, including all piers, shall not be increased above 45 percent of the submerged area or the currently existing coverage, whichever is greater, including the floating home;

b. The area of an existing floating home site shall not be reduced below 2,000 square feet or the currently existing area, whichever is less;

c. Existing floating home sites shall not be expanded in a manner that will result in the blockage of the view from the waterward end of a pier; and

d. Existing floating home moorages shall not be reconfigured and existing floating homes shall not be relocated within a floating home moorage site unless the standards of this Section 23.60A.202 are met or the Director determines that the standards cannot be met at the site and the reconfiguration or relocation will result in improved ecological functions.

4. Floating home moorages shall not provide moorage to floating homes that do not display a registration number issued under subsection 23.60A.202.G.

C. Standards for exchange of floating home between existing floating home sites. Two floating homes may exchange floating home sites, either within a moorage or between moorages, if:

1. Height

a. Both floating homes are the same height; or

b. The relocation will not result in a floating home that is over 18 feet in height and higher than the replaced floating home being located waterward of floating homes that are 18 feet or less in height; or

c. No floating home greater than 18 feet in height shall be relocated except to replace a floating home of equal or greater height.

2. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsection 23.60A.202.B or 23.60A.202.D; and

3. The requirements of Chapter 7.20, Floating Home Moorages, have been met.

D. Standards for floating homes

1. Floating homes shall be moored at sites established as floating home moorages.

2. Floating homes may relocate to any established floating home moorage, consistent with the standards of this Section 23.60A.202.

3. Floating homes shall be lawfully connected to sewer service for all wastewater including black and grey water discharge.

4. Float area shall be no larger than 1,200 square feet or the area of the existing float.

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:

a. The float area or over water coverage of the floating home is not increased, including cantilevered portions that extend beyond the edge of the float.

b. No portion of any addition to a floating home exceeds 18 feet in height or current height if above 18 feet, except to the minimum extent necessary to satisfy the provisions of the Building Code for open railings, chimneys and mechanical vents. Open railings are limited to 36 inches in height.

c. Setbacks between adjacent floating homes.

1) If a floating home is being remodeled, the minimum distance between adjacent floating home walls shall not be decreased to less than 10 feet or, if the existing distance is less than 10 feet, the distance between adjacent floating home walls shall not be reduced to less than 6 feet.

2) If a floating home is being rebuilt or replaced, and

a) the existing distance between floating home walls is greater than 6 feet, the minimum distance between adjacent floating home walls shall not be reduced below 10 feet or the existing distance, whichever is less, or

b) If the existing distance is less than 6 feet, the minimum distance shall be 6 feet.

3) In no case shall the distance between floats be decreased.

4) In no case shall the minimum distance between floating homes on opposite sides of a moorage walkway be decreased, wall-to-wall.

d. Setbacks between floating home walls and floating home moorage sites

1) If a floating home is being remodeled, the minimum distance between any floating home wall and the boundary of any floating home moorage site shall not be decreased to less than 5 feet or, if the existing distance is less than 5 feet, the distance between any floating home wall and the boundary of any floating home moorage site shall not be reduced to less than 3 feet.

2) If a floating home is being rebuilt or replaced, and

a) the existing distance between any floating home wall and the boundary of any floating home moorage site is greater than 3 feet, this distance shall not be reduced below 5 feet or the existing distance, whichever is less, or

b) If the existing distance between any floating home wall and the boundary of any floating home moorage site is less than 3 feet, the minimum distance shall be 3 feet.

3) In no case shall the distance between existing floats and the boundary of any floating home moorage site be decreased except as provided in 23.60A.202.D.5.d.4.

4) No minimum distance is required between a floating home wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway, or the fairway.

e. No new accessory floating structures are allowed. Accessory floating structures that have been continuously in use since March 1, 1977, may be maintained or replaced or relocated with the associated floating home but not expanded or transferred.

f. The design of the floating home shall not block the view from the waterward end of a pier more than any existing view blockage.

g. No new living or storage spaces shall be located below water level. Existing living or storage spaces below water level may be remodeled, replaced, or rebuilt, but may not be expanded.

h. Unenclosed Styrofoam or similar material that has the potential to break apart is prohibited for use in floats or for other purposes that would allow the broken pieces to enter the water.

i. Floats shall be maintained and repaired using the minimum amount of structure below the OHW mark necessary to maintain floatation and:

1) At the time of replacement of the float, the replacement float shall be the minimum necessary; and

2) At the time of replacement of the floating home, any structure below the OHW mark and outside the primary float structure that provides minimal or no floatation shall be removed.

j. Any proposal to replace, remodel, rebuild, or relocate a floating home shall be accompanied by an accurate, fully dimensioned floating home site plan, at a scale of not less than 1 inch to 20 feet, unless such plan is already on file with the Department of Planning and Development.

k. If a floating home is demolished, application for permits associated with the replacement structure, including but not limited to SEPA review and a Shoreline Substantial Development Permit, shall be made at the same time as application for the demolition permit.

6. Remodeling a floating home located in whole or in part outside the Construction Limit Line in Lake Union, including removing and replacing its floats and superstructure, is allowed subject to the following standards:

a. The floating home was located outside the Construction Limit Line in Lake Union prior to December 18, 1968;

b. The replacement is completed within 12 months of any removal or demolition; and

c. The development complies with the standards of subsection 23.60A.202.D.5.

7. Application for permits associated with a replacement floating home structure, including but not limited to SEPA review and a shoreline substantial development permit, shall be made at the same time as application for the demolition permit.

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:

1. Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;

2. Securing all outside furniture, barbeque grills, plant containers and other material to ensure these items do not enter the water because of wind or wave action;

3. Using non-toxic building material in exterior areas;

4. Using non-toxic cleaning and other household products in outside areas and on exterior structures;

5. Not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and

6. Using a double containment system when using 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.

G. Registration numbers for floating homes.

1. The owner of each floating home that is allowed under subsection 23.60A.202.A is required to obtain from the Director a registration number within six months of the effective date of this ordinance and to pay the fee established by the Director to recover the costs of the program for issuing registration numbers. The Director shall determine whether a floating home meets the standard in subsection 23.60A.202.A before issuing a registration number. The owner shall display the registration number on the landward side of the floating home in numbers at least 3 inches high in a location legible from the pier.

2. Failure to obtain or correctly display a registration number is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain a floating home.

23.60A.203 Standards for floating structures

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.

23.60A.204 Standards for house barges

A. Floating structures

1. Floating structures, including vessels that do not have a means of self-propulsion and steering equipment and that are designed or used as a place of residence, with the exception of house barges moored within The City of Seattle in June 1990 and licensed by The City of Seattle, shall be regulated as floating homes pursuant to this Chapter 23.60A.

2. Locating other nonwater-dependent uses over water on floating structures, including vessels that do not have a means of self-propulsion or steering equipment, is prohibited

unless specifically permitted on house barges or historic ships by other sections of this Chapter 23.60A.

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. In addition to any requirements or permit conditions under subsections 23.60A.204.B.2 and 23.60A.204.B.3, owners and tenants of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:

1) Eliminating wastewater and sewage discharge by sealing overboard discharge and conveying them to an approved disposal facility using a pump out station or a pump out service;

2) Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;

3) Securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;

4) Using non-toxic building material in exterior area;

5) Using non-toxic cleaning and other household products in outside areas and on exterior structures;

6) Not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and

7) Using a double containment system when using liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.

d. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.204.B by Director's Rule.

4. House barges must be moored at a recreational marina, as defined by Section 23.60A.926.

C. Nonconforming uses, relocation, expansion and rescission.

1. House barges permitted under this Section 23.60A.204 shall be regulated as a nonconforming use and shall be subject to the standards of Section 23.60A.122, except that:

a. relocation of an established house barge to a different moorage within Seattle shall be permitted; and

b. House barges cannot expand or extend beyond existing external dimensions above or below water, notwithstanding the provisions of Section 23.60A.122.

2. When a house barge is removed from Seattle waters for more than six months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.

23.60A.206 Standards for residences other than floating homes, house barges, and vessels used as dwelling units

A. Floating homes, house barges, and vessels used as dwelling units that comply with the standards of Sections 23.60A.202, 23.60A.204, and 23.60A.214, respectively, are not subject to the standards of this Section 23.60A.206.

B. All residential uses, other than those described in subsection 23.60A.206.A, where allowed or allowed as a special use or a shoreline conditional use, in each shoreline environment shall comply with the standards in the applicable shoreline environment and the following standards:

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

2. Residences shall be developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

3. Shoreline residential setback

a. In addition to the shoreline setbacks required for specific shoreline environments, a shoreline residential set back is required for residences on waterfront lots. Residences shall not be located waterward of the shoreline residential setback and the shoreline setback.

b. The shoreline residential setback is calculated as follows:

1) If there are no adjacent existing residences within 100 feet, the shoreline residential set-back is 35 feet landward from the OHW mark; or

2) If there is at least one adjacent residence within 100 feet, the shoreline residential setback is a line parallel to the OHW mark, not farther waterward than adjacent residences and no closer waterward than 35 feet.

3) If a required shoreline residential setback calculated under subsection 23.60A.206.B.3.b.2 exceeds 75 feet from the OHW mark, the Director may reduce the shoreline residential setback to no less than 75 feet if it does not adversely impact the shoreline environment and if views of the shoreline from adjacent existing residences are not blocked.

c. Fences and freestanding walls accessory to residences and that are not shoreline modifications may be located in the shoreline setback and in the shoreline residential setback if views of the shoreline from adjacent existing residences are not blocked and the structure is no less than 5 feet landward from the OHW mark. The Director shall determine the permitted height of the fences and freestanding walls.

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

C. All residential uses and use of a structure or vessel as a dwelling unit, other than those described in subsections 23.60A.206.A or 23.60A.206.B, are prohibited.

23.60A.207 Standards for uses in public facilities

A. If a use in a public facility is not set out in the use tables for the environment in which the use is proposed, the use is allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited as follows:

1. Uses in public facilities that are substantially similar to uses allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited in the shoreline environment where the public facility is sited are allowed, allowed as a special use, allowed as a shoreline

conditional use, or prohibited, subject to the same use regulations, development standards, special use requirements, and shoreline conditional use criteria that govern the similar use. A proposed use in a public facility that is substantially similar to more than one use is regulated pursuant to the most restrictive regulations.

2. Unless specifically prohibited, uses in public facilities that are not substantially similar to uses specifically regulated in the standards for the shoreline environment where the public facility is sited may be allowed by the Council, with the concurrence of Ecology, according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

B. City Council approval of modifications. The Council, with the concurrence of Ecology, may waive or modify applicable development standards or special use requirements under Chapter 23.60A for uses allowed or allowed as a special use under subsection 23.60A.207.A according to Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities. Uses allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed with modifications pursuant to subsections 23.60A.207.A or 23.60A.207.B may be expanded as follows:

1. Major Expansion. A major expansion of a public facility use occurs when the proposed expansion would not meet development standards or exceed either 750 square feet or 10 percent of its existing area, whichever is greater, including but not limited to gross floor area and areas devoted to active outdoor uses other than parking. Major expansions of uses in public facilities allowed in subsections 23.60A.207.A and 23.60A.207.B are allowed following the standards and procedural requirements in those subsections.

2. Minor Expansion. An expansion that falls below the major expansion threshold level is a minor expansion. Minor expansions of uses in public facilities are allowed

subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit if the development standards of the zone in which the public facility is located are met.

23.60A.208 Standards for railroads

A. In shoreline environments where railroads are allowed, or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment, in this Section 23.60A.208, and if located on a bridge or in a tunnel, in Section 23.60A.196.

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

C. New railroad tracks not within existing rail corridors are allowed in the Shoreline District only if necessary to serve lots in the Shoreline District, and locations outside the Shoreline District are not available and feasible.

D. All new railroads are required to provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

E. All new railroad and appurtenant structures shall be sited in the locations that have the least possible adverse effect on unique or fragile shoreline features and do not adversely impact existing or planned water-dependent or water-related uses.

F. The Director may approve or condition applications for intermittent or temporary railroad uses if the use complies with the following standards:

1. All impacted areas are revegetated with 100 percent native vegetation; and

2. There is no permanent increase in impervious surface from the condition of the site prior to the intermittent or temporary use.

23.60A.209 Standards for rail transit facilities

A. Rail transit facilities shall comply with the standards in the applicable shoreline environment, in this Section 23.60A.209, and if located on a bridge or in a tunnel, in Section

23.60A.196. In issuing permits for rail transit facilities approved by the City Council under subsection 23.80.004.C.2, the Director shall apply the standards and procedures of this Chapter 23.60A and Chapter 23.80, when applicable.

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

C. Rail transit facilities located parallel to the shoreline are required to provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

D. Bridges for rail transit facilities that are required to cross over water that is regulated by Chapter 23.60A and that are approved by the City Council under subsection 23.80.004.C shall be regulated in the same manner as water-dependent uses, except to the extent that a nonwater-oriented use is allowed if it is part of a water-dependent project, e.g., subsection 23.60A.442.F.

E. Temporary structures and uses

1. A temporary structure or use that supports the construction of a light rail transit facility and that is approved pursuant to subsection 23.42.040.F is allowed as a temporary structure or use in all shoreline environments, except the CP Environment; it is allowed in the CP Environment if the Director determines the applicant has demonstrated that all other locations are infeasible.

2. The Director may grant, deny or condition applications for intermittent or temporary uses not meeting development standards in the Shoreline District for light rail transit facility construction if the use complies with the standards of subsection 23.42.040.F. In addition to complying with the site restoration requirements of subsection 23.42.040.F.4 the site restoration plan shall achieve no net loss of ecological function and includes, at a minimum:

a. Native vegetation in the landscape plan.

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

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

F. Conditions

1. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.

2. When approving light rail transit facilities approved by the City Council under subsection 23.80.004.C.2, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties.

3. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with design guidelines developed for the light rail system by the City and the applicant.

4. The Director may waive or modify development standards applicable to a light rail transit facility if the applicant demonstrates that waiver or modification of a development standard:

a. Is reasonably necessary to allow the siting or proper functioning of a light rail transit facility; or

b. Will lessen the environmental impacts of a light rail transit facility on site or on surrounding properties; or

c. Will accommodate future development that will comply with development standards better than if the development standard waiver or modification were not granted.

5. The Director may impose reasonable conditions on any waiver or modification of development standards to ensure consistency with design guidelines developed for the light rail system by the City and the applicant, and to lessen, to the extent feasible, environmental impacts of a light rail transit facility on site or on surrounding properties.

23.60A.210 Standards for research, aquatic, scientific, historic, cultural and educational

Aquatic, scientific, historic, cultural and educational research uses are allowed in all environments waterward and landward of the OHW and in wetlands if:

A. No structures are erected.

B. No interference with navigation occurs.

C. No vegetation is permanently removed.

D. Temporary removal of vegetation is allowed if:

1. It is the amount reasonably necessary to accommodate the research;

2. No native trees and no nonnative trees with a 6 inches or greater DBH are removed; and

3. Vegetation that is removed is replaced in compliance with the standards in Section 23.60A.190, including maintaining or creating naturally functioning conditions that prevent erosion, protect water quality, and provide diverse habitat.

E. No impervious surface is created.

23.60A.211 Standards for restoration and enhancement

A. Restoration and enhancement uses are allowed, allowed as a special use or allowed as a shoreline conditional use or prohibited as required by each component of the restoration and enhancement project. Components of a restoration and enhancement plan may include shoreline modifications that are consistent with the objectives of project, and these components are regulated in Subchapter III, Part 4, of this Chapter 23.60A.

B. Actions to restore and enhance ecological functions, whether as part of mitigation sequencing or otherwise, shall use the Shoreline Restoration and Enhancement Plan as guidance.

23.60A.212 Standards for signs

A. General standards for all Signs

1. Roof signs are prohibited in the Shoreline District.

2. Signs mounted on buildings are limited to wall signs, except as follows:

a. Projecting signs mounted on the street-front facade of a building facing a street running generally parallel to the shoreline and located at a distance from the corner of the building so as not to obstruct views of the water are allowed; and

b. Canopy signs located in the UH Environment and outside of required view corridors are allowed.

3. Pole signs are allowed on piers or floats that lack buildings for wall-mounted signs and that provide visibility from fairways for water-dependent or water-related uses. Pole signs shall not be located in or obstruct view corridors required by this Chapter 23.60A. The Director may modify proposed signs to prevent such view obstruction.

4. Ground signs are allowed if not located in required view corridors or in an area that obstructs required view corridors.

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

a. Any sign that is visible from a fairway is limited to the name and nature of the use, and each letter is limited to no more than 16 inches in height.

b. Signs on piers are limited to 24 square feet in area.

c. Freestanding signs on piers shall not exceed 12 feet in height.

d. Boat name signs are not limited in number, size or location for the name and port of the vessel, and any message identifying the maker of the vessel shall be the customary number and size for this information. Electric, illuminated or rotating signs are prohibited.

e. Raceboat sponsor signs are not limited in size or number. Electric, illuminated or rotating signs are prohibited.

B. Types of Signs.

1. Signs allowed in the CN, CP, CR, CM, CW and UR Environments are identification signs, on-premises directional signs, and interpretive signs, except on vessels if the

sign is legible off the vessel. All other signs are prohibited, except as provided in subsection 23.60A.212.B.5.

2. Signs allowed in the UC, UH, UM, and UG Environments are identification signs, on-premises directional signs, and on-premises signs, including interpretive signs, except on vessels if the sign is legible off the vessel. All other signs are prohibited, except as provided in subsection 23.60A.212.B.5.

3. Signs allowed on waterfront and upland lots in the UI Environment are identification signs, on-premises directional signs, on-premises, including interpretive signs and off-premises directional signs, except on vessels if the sign is legible off the vessel. Off-premises signs are allowed on upland lots in the UI Environment. All other signs are prohibited, except as provided in subsection 23.60A.212.B.5.

4. Temporary signs as defined and regulated in Section 23.55.012 are allowed in all shoreline environments, subject to the restrictions in subsection 23.60A.212.A.

5. Boat name signs and raceboat sponsor signs are allowed in all shoreline environments, subject to the restrictions in subsection 23.60A.212.A.

23.60A.213 Standards for streets

A. New Streets

1. In shoreline environments where new streets are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment and in this Section 23.60A.213, and if located on a bridge or in a tunnel, shall comply with the standards provided in Section 23.60A.196.

2. New streets shall be necessary to serve lots in the Shoreline District, to provide the minimum access necessary to serve bridges or tunnels, or to connect to public access facilities.

3. New streets shall be located as far from the OHW mark as reasonable.

B. Relocation and expansion of existing streets

1. Permanent relocation and expansion. Existing streets may be relocated and expanded if other options outside the Shoreline District are not reasonable and any expansion or relocation that is closer to the shoreline as measured from the original street location is the only reasonable option and is the minimum necessary to accommodate estimated traffic flow.

2. Temporary relocation and expansion. Existing streets may be temporarily relocated and expanded within the Shoreline District:

a. For a period of four years or less and for an additional two years if the road relocation is accommodating two projects;

b. If any expansion or relocation is closer to the shoreline as measured from the original street location, this location is the only reasonable option and is the minimum necessary to accommodate estimated traffic flow; and

c. In compliance with the standards in subsection 23.60A.213.C to the extent reasonable.

C. Where allowed, new streets and the expansion or relocation of existing streets shall be located and designed to:

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

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

3. Minimize adverse effects on unique or fragile shoreline features, including minimizing the amount of impervious surface;

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

5. Minimize the area of upland lots and maximize the area of waterfront lots; and

6. Minimize adverse impacts to existing water-dependent uses or water-dependent uses that have received City permits.

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 23.60.A.214.A, a vessel may be used as a dwelling unit if it is designed primarily as a conventional recreational or commercial vessel, and it 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

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.214

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

1. If a vessel was moored in the City prior to the effective date of this ordinance it may be used as a dwelling unit if it is moored at a lawful location.

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.

23.60A.215 Standards for uses on vessels

A. Activities and uses on a vessel, except as allowed in Section 23.60A.214, that are not customary to that type of vessel are prohibited while the vessel is moored.

B. Customary activities or uses occurring while the vessel is moored are subject to the standards of the applicable shoreline environment unless incidental to the customary use of the vessel or the residential use allowed under Section 23.60A.214.

C. Signs on vessels, whether the vessel is moored or not, are subject to Section 23.60A.212.

D. In shoreline environments where uses are allowed over water, those uses are not allowed on vessels unless consistent with subsections 23.60A.215.A, 23.60A.215.B or 23.60A.215.C.

23.60A.217 Standards for utility lines

A. In shoreline environments where utility lines, including intakes and outfalls, are allowed or allowed as a special use or a shoreline conditional use they shall comply with the standards in the applicable shoreline environment and in this Section 23.60A.217.

B. All new utility lines shall be located or constructed in the following order to the extent feasible:

1. Outside the Shoreline District;

2. Within existing utility corridors or in public rights-of-way, including attaching to existing bridges;

3. In locations that minimize adverse impacts within the Shoreline District; and

4. Under water, subject to the provisions in subsection 23.60A.217.D, using methods that minimize impacts and assist in future repair and replacement, such as boring and sleeving, and constructed to prevent the pipe from leaking.

C. New utility lines in areas where no such lines exist or the substantial expansion of existing utility lines shall be located as follows:

1. Underground to the extent reasonable or under water, except for lines carrying 115 kilovolts or more and for temporary relocation;

2. Overhead in the UI Environment and lines carrying 115 volts or more, except for temporary lines pursuant to subsection 23.60A.217.C.3, if the location and design minimizes visibility of the overhead utilities and preserves views of the water; or

3. Overhead installation of utility lines is allowed temporarily for a period of one year or less.

D. Pipelines, except gravity sewers and storm drains and underwater pipelines, carrying materials intrinsically harmful or potentially injurious to aquatic life and/or water quality shall have shutoff facilities and use other appropriate best management practices to prevent and contain such materials from entering the water or the ground.

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

F. All disturbed areas shall be restored to pre-project configuration and shall be planted in compliance with Section 23.60A.190.

23.60A.219 Standards for yacht, boat and beach clubs

A. Facilities of yacht, boat and beach clubs that are not water-dependent shall be located on dry land except as specifically provided in the applicable shoreline environment.

B. Yacht, boat and beach clubs moorage facilities shall comply with Section 23.60A.200.

Subchapter IV Shoreline Environments

23.60A.220 Environments established

A. Shoreline environment locations

1. The shoreline environments set out in subsection 23.60A.220.C and the boundaries of these environments are established on the Official Land Use Map as authorized in Chapter 23.32.

2. Any undesignated shorelines are designated Conservancy Preservation.

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

B. Submerged Lands

1. On Puget Sound, Lake Washington and Green Lake, submerged lands shall be designated as shoreline environments that preserve them for ecological functions and public or recreational purposes.

2. On Elliott Bay, Lake Union, the Ship Canal, and the Duwamish River, submerged lands shall be designated as shoreline environments that balance preservation of ecological functions and a mix of public, recreational, industrial, and commercial purposes. In these areas; the environmental designation given to submerged lands is generally the same as the abutting waterfront dry land and extends to the outer Harbor Line, Construction Limit Line, or other navigational boundary.

3. Where the shoreline environment designation on submerged land is different from the shoreline environment designation of the adjacent dry land, the environment boundary is the OHW mark in freshwater environments and mean higher high water in saltwater environments.

C. For the purpose of this Chapter 23.60A, the Shoreline District is divided into 11 environments.

Table A for 23.60A.220 Environment Designation	
Conservancy Management	CM
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR
Conservancy Waterway	CW
Urban Commercial	UC
Urban General	UG
Urban Harborfront	UH
Urban Industrial	UI
Urban Maritime	UM
Urban Residential	UR

D. The purpose and locational criteria for each shoreline environment are as follows:

1. Conservancy Management (CM) Environment

a. Purpose. The purpose of the CM Environment is to provide for water-dependent infrastructure, such as navigational locks, that provide a substantial public benefit, and recreational facilities, such as marinas and parks. Development allowed in the CM Environment can be managed to preserve ecological functions and typically provide public access.

b. Locational Criteria

1) Dry or submerged land that is generally owned by a public agency and developed with a major infrastructure or a recreational facility, including navigation locks and marinas;

2) Public and private parks; or

3) Areas of medium to high intensity development that are surrounded by areas of less intense development such that they may require active management to protect ecological functions.

2. Conservancy Navigation (CN) Environment

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

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

3. Conservancy Preservation (CP) Environment

a. Purpose. The purpose of the CP Environment is to preserve, protect, restore, or enhance shoreline areas that have intact or mostly intact ecological functions and areas that are particularly biologically or geologically fragile. Enjoyment of these areas by the public is encouraged to the extent that sensitive or fragile ecological functions are not adversely impacted.

b. Locational Criteria. Dry or submerged lands with significant ecological functions;

1) Shorelines serving fragile biological, geological processes or containing ecological functions that may warrant preservation or restoration and enhancement; or

2) Shorelines unable to support development or uses without adverse ecological impacts or risk to public safety.

4. Conservancy Recreation (CR) Environment

a. Purpose. The purpose of the CR Environment is to provide public access and recreational use of shorelines while protecting ecological functions.

b. Locational Criteria

1) Dry or submerged lands generally owned by a public agency and developed as a park;

2) Areas where the biological, geological and other natural resource processes and functions can be maintained by limiting development; or

3) Submerged lands adjacent to dry lands designated Urban Residential where the biological, geological and other natural resource processes and functions can be maintained by limiting development.

5. Conservancy Waterway (CW) Environment

a. Purpose. The purpose of the CW Environment is to preserve City waterways for navigation and commerce, including public access to and from water areas and to protect ecological functions. Since the waterways are public ways for water transport, they are

designated CW to provide navigational access to adjacent properties, access to and from land for the loading and unloading of watercraft and temporary moorage.

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

6. Urban Commercial (UC) Environment

a. Purpose. The purpose of the UC Environment is to:

1) Provide for a mix of water-oriented uses and development;

2) Allow limited nonwater-oriented uses and development where they would not displace water-oriented uses and, if located on waterfront lots, where they achieve another goal of the Shoreline Management Act, such as public access or protection or improvement of ecological functions; and

3) Provide for public access and recreational enjoyment of the shoreline while protecting ecological functions.

b. Locational Criteria

1) Areas zoned Commercial, Neighborhood Commercial or lowrise multifamily;

2) Areas with minimal amounts of dry land between the shoreline and the first parallel street, with steep slopes, limited truck and rail access or other features making the area unsuitable for water-dependent or water-related industrial uses but that may be suitable for water-oriented commercial uses; or

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

7. Urban General (UG) Environment

a. Purpose. The purpose of the UG Environment is to provide for economically viable use of commercial and industrial areas that are not suited for water-dependent uses due to limited or no water access and to protect existing ecological function.

b. Locational Criteria

1) Areas with little or no direct water access, which makes the development of water-dependent uses impractical or unreasonable; and

2) Areas zoned Commercial or Industrial.

8. Urban Harborfront (UH) Environment

a. Purpose. The purpose of the UH Environment is to encourage economically viable water-dependent and water-related uses to meet the needs of waterborne commerce, facilitate the revitalization of the city's central waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve elements of historic and cultural significance and protect ecological functions.

b. Locational Criteria: Areas located within Downtown Harborfront 1 or Downtown Harborfront 2 zones.

9. Urban Industrial (UI) Environment

a. Purpose. The purpose of the UI Environment is to:

1) Provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses, and to allow for warehouse uses that are not water- dependent or water-related where they currently exist;

2) Provide public access on public lands or in conformance with an area-wide Public Access Plan;

3) Accommodate ecological restoration and enhancement where reasonable; and

4) Allow limited nonwater-oriented uses and development where they would not displace water-oriented uses and, if located on waterfront lots, where they achieve another goal of the Shoreline Management Act, such as protection or improvement of ecological functions or public access.

b. Locational Criteria

1) Areas zoned Industrial;

2) Areas adjacent to or part of major industrial centers that provide support services for water-dependent and other industrial uses; or

3) Areas where predominant uses are water-dependent or water-related manufacturing, warehousing, major port cargo facilities, or other similar uses.

10. Urban Maritime (UM) Environment

a. Purpose. The purpose of the UM Environment is to:

1) Provide for efficient use of industrial and commercial shorelines by water-dependent and water-related uses;

2) Provide public access mainly on public lands or in conformance with an area-wide Public Access Plan;

3) Accommodate ecological restoration and enhancement where reasonable; and

4) Allow limited nonwater-oriented uses and development where they would not displace water-oriented uses and, if located on waterfront lots, where they achieve another goal of the Shoreline Management Act, such as protection or improvement of ecological functions or public access.

b. Locational Criteria

1) Areas zoned Industrial or Commercial 2 with sufficient dry land for industrial uses but generally in smaller parcels than in the UI Environment;

2) Areas developed predominantly with water-related manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses;

3) Areas with concentrations of state waterways for use by commerce and navigation; or

4) Areas near, but not necessarily adjacent to, residential or Neighborhood Commercial zones that require protection from the impacts of heavy industrialization and are therefore inappropriate for a UI Environment designation.

11. Urban Residential (UR) Environment

a. Purpose. The purpose of the UR Environment is to provide for single-family residential development and accessory structures, while protecting ecological functions. Multifamily residential development is allowed in this environment where the underlying zone, as of the date of this ordinance, allows multifamily residential development.

b. Locational Criteria

1) Areas zoned single-family;

2) Areas zoned multifamily on the date of this ordinance;

3) Areas where it is impractical to site water-dependent uses due to natural conditions such as steep slopes, shallow water, poor wave protection, or limited vehicular or water access; or

4) Areas with sufficient dry land lot area to allow for residential development entirely on dry land and without intruding into the shoreline setback.

Subchapter V The Conservancy Management (CM) Environment

23.60A.222 Applicable standards in the CM Environment

All uses and development in the CM Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the following standards for the CM Environment.

Part 1 Uses

23.60A.224 Uses in the CM Environment

A. Use regulations

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.224 and Table A for 23.60A.224. 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.224.

2. If Table A for 23.60A.224 or text of Section 23.60A.224 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.224 Uses in the CM Environment	
A. AGRICULTURAL and FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60A.224.B and 23.60A.224.C
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	See subsection 23.60A.224.C
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	See subsection 23.60A.224.D
C.9. Sales and service uses, automotive	X
C.10. Sales and services, general	See subsection 23.60A.224.B and 23.60A.224C
C.11. Sales and service uses, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	SU
C.12.b. Sale or rental of large boats	See subsection 23.60A.224.E
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsection 23.60A.224.E
C.12.d. Vessel repair, major	X
C.12.e. Vessel repair, minor	SU
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	See subsections 23.60A.224.F
E.2. Child care centers	See subsections 23.60A.224.F
E.3. Colleges	See subsections 23.60A.224.G
E.4. Community center or club	
E.4a. Yacht boat and beach clubs	SU
E.4b. Other community centers or clubs	See subsection 23.60A.224.G
E.5. Family support center	See subsection 23.60A.224.F
E.6. Hospitals	See subsection 23.60A.224.F

Table A for 23.60A.224 Uses in the CM Environment	
E.7. Institute for advanced study	See subsection 23.60A.224.G
E.8. Library	See subsection 23.60A.224.F
E.10. Museum	See subsection 23.60A.224.G
E.11. Private club	
E.11a. Yacht, boat and beach clubs	SU
E.11b. Other private clubs	See subsection 23.60A.224.G
E.12. Religious facilities	See subsection 23.60A.224.F
E.13. Schools, elementary or secondary	See subsection 23.60A.224.F
E.14. Vocational or fine arts schools	See subsection 23.60A.224.G
E.15. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE	
H.1 General	See subsection 23.60A.224.F
H.2 Shoreline	P
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic, Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	See subsection 23.60A.224.D
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.224.H
N.2. Cargo terminals	See subsection 23.60A.224.I
N.3 Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	X
N.3.a.2. Recreational marina	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	P
N.5. Parking	
N.5.a Parking, principal use	X
N.5.b Parking, accessory use	P
N.6. Passenger terminal	See subsection 23.60A.224.J
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	X

Table A for 23.60A.224 Uses in the CM Environment	
N.11. Railroads	X
N.12. Streets	SU
O. UTILITY USES	
O.1. Communication utilities, minor	X
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	See subsection 23.60A.224.K
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.224.L
P. UTILITY LINES	P

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
X = Prohibited

B. Eating and drinking establishments and general sales and services are prohibited, except as provided in this subsection 23.60A.224.B and subsection 23.60A.224.C. Eating and drinking establishments and general retail sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complementary to allowed recreation activities or directly support the general public's use of park, park amenities or shoreline recreation are allowed as a shoreline conditional use if located:

1. In a public park; or

2. On an historic ship if:

a. The ship is a designated historic landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;

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

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

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

e. No other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site; and

f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided within the same geographic area as the proposed project; or

3. In a recreational marina and the use is an eating and drinking establishment that meets the following criteria:

a. The recreational marina has at least 9,000 linear feet of moorage;

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

c. The eating and drinking establishment is designed to be water-oriented by providing significant views of the water for patrons; and

d. The location of the eating and drinking establishment is either on dry land or over water if the lot has a depth of less than 50 feet of dry land and a reasonable dry land alternative is not available.

C. Certain commercial uses

1. The following uses are allowed if they comply with subsection 23.60A.224.C.2:

a. Eating and drinking establishments limited to 2,500 square feet or less for each establishment, up to a total of 10,000 square feet;

b. General retail sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complementary to allowed recreation activities or directly support the general public's use of park and park amenities; and

c. Food processing and craft work limited to small scale artist work such, as pottery, candle making, printing, painting, jewelry making, weaving, fabric art, creation of sculpture and glassblowing.

2. The uses in subsection 23.60A.224.C.1 are allowed in existing buildings within designated historic districts if:

a. The use is water-oriented; or

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 the same geographic area of the site.

D. Meeting rooms, offices and storage are prohibited, except these uses are allowed in existing buildings within designated historic districts if:

1. Located on the second floor; access may be provided on the ground floor; and

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 the same geographic areas of the site.

E. Sale or rental of boats, boat parts and accessories and dry boat storage

1. Sale or rental of small boats, boat parts and accessories, sale and rental of large boats, and dry boat storage are allowed if:

a. They are in an existing building within designated historic districts;

b. Shoreline restoration that removes impervious surface and plants native vegetation in an area equivalent to the area occupied by any outdoor storage and any increase in impervious surface is provided within the same geographic area as the proposed project; and

c. Outdoor storage of boats is located to minimize interference with the public's use of the shoreline.

2. The uses listed in subsection 23.60A.224.E.1 are allowed as a special use if they do not meet the standards of that subsection.

F. Uses are prohibited on waterfront lots and are allowed on upland lots.

G. Uses are allowed on upland lots and are allowed on waterfront lots, if the uses are water-dependent or water-related.

H. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under subsection 23.80.004.C are allowed; bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

I. Existing water-dependent cargo terminals are allowed and are prohibited from expanding. New cargo terminals are prohibited.

J. Passenger terminals are prohibited, except they are allowed as a special use if the use is water-dependent or water-related and substantial adverse impacts of terminal operation on any adjacent residential neighborhood can be mitigated.

K. Sewage treatment plants

1. New sewage treatment plants are prohibited.

2. Existing sewage treatment plants are allowed subject to the following standards:

a. Expansion of an existing sewage treatment plant that does not add capacity or a new treatment level is allowed as a special use.

b. Expansion of an existing sewage treatment plant that adds capacity or a new treatment level is allowed as a Council conditional use if:

1) A determination has been made that an alternative design is infeasible and that an alternative location for expanding the sewage treatment plant is infeasible;

2) Public access is provided along the entire length of the shoreline that is part of the sewage treatment plant, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and

3) All reasonable measures to protect views and to control odors, noise, traffic and other adverse impacts on the human and natural environment are provided.

L. Utility service uses are allowed if they reasonably require a shoreline location to operate, except communication utilities, which are prohibited.

Part 2 Development Standards

23.60A.228 Height in the CM Environment

A. Maximum height. The maximum height in the CM Environment is 30 feet, except on Lake Washington where the maximum height for structures over water, including existing single-family residences, is 15feet, unless modified in subsections 23.60A.228.B through 23.60A.228.E.

B. Height exceptions for water-dependent and water-related uses. Cranes, mobile conveyors and similar equipment necessary for the function of water-dependent and water-related uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched roofs. The ridge of a pitched roof on a principal structure, including projections to accommodate windows, may extend 5 feet above the maximum height allowed, as provided in the underlying zone or special district.

D. Rooftop features. The following apply to rooftop features:

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and religious symbols for religious institutions, are exempt from height controls of this Chapter 23.60A, provided:

a. The features are no closer to any adjoining lot line than 50 percent of their height above existing grade; or

b. If attached to the roof, the features are no closer to any adjoining lot line than 50 percent of their height above the roof portion where attached; and

c. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences in areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters, stair and elevator penthouses, skylights and solar collectors may extend 4 feet above the maximum height limit where allowed in the underlying zone and special district, except where the width of

such features obstructs the view of the shoreline of a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed; and

3. Structures may extend 18 inches above the maximum height limit if the proposed roof insulation exceeds the energy code requirements in effect when the structure is constructed.

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

23.60A.230 Lot coverage in the CM Environment

A. Structures, including floats and piers, shall not occupy more than 35 percent of a waterfront lot or an upland lot except as provided in subsection 23.60A.230.B.

B. Lot coverage exceptions. On single-family zoned lots, the maximum combined lot coverage allowed for principal and accessory structures on dry land is as follows:

Table A for 23.60A.230 Lot coverage in the CM Environment	
Lot Size	Maximum Coverage
Less than 5,000 sq. ft.	1,000 sq. ft. plus 15 percent of lot area
5,000 sq. ft. or more	35 percent of lot area

23.60A.232 Shoreline setbacks in the CM Environment

A. A shoreline setback of 50 feet from the OHW mark is required.

B. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

1. As allowed in Section 23.60A.167; and

2. More than 20 feet landward of OHW, the minimum necessary for viewpoints for required public access and spur trails to access viewpoints.

23.60A.234 View corridors in the CM Environment

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

23.60A.236 Regulated public access in the CM Environment

A. Private Property. Public access shall be provided and maintained on privately owned waterfront development sites for the following developments:

1. Recreational marinas, except as provided in subsection 23.60A.200. D; and

2. Development and uses that are:

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 more than 50 percent of product or materials by water, or the need for large quantities of water; and

b. 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.

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

Subchapter VI: The Conservation Navigation (CN) Environment

23.60A.238 Applicable standards in the CN Environment

All uses and developments in the CN Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the following standards for the CN Environment.

Part 1 Uses

23.60A.240 Uses in the CN Environment

A. Use regulations

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.240 and Table A for 23.60A.240. 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.240.

2. If Table A for 23.60A.240 or text of Section 23.60A.240 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.240 Uses in the CN Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.240 B
I. PUBLIC FACILITIES	See Section 23.60A.207

Table A for 23.60A.240 Uses in the CN Environment	
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.240.C
N.2. Cargo terminals	X
N.3. Moorage	X
N.4 Navigational locks	X
N.5. Parking	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	P
N.8 Navigational aids including channel markers and anchor buoys	P
N.9. Transportation facilities, air	X
N.10. Vehicle storage and maintenance	X
N.11. Tugboat services	X
N.12. Railroads	See subsection 23.60A.240.C
N.13. Streets	See subsection 23.60A.240.C
O. UTILITY USES	X
P. UTILITY LINES	SU

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU – Special Use
X = Prohibited

B. Underwater diving areas are allowed as a special use. Bicycle, pedestrian paths and view points are allowed as a special use, if on dry land. All other parks and open space uses are prohibited.

C. Bridges, tunnels, railroads and streets

1. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under subsection 23.80.004.C are allowed;

2. Bridges and tunnels containing other rail transit facilities are allowed as a special use; and

3. Railroads or streets are allowed as a special use.

Part 2 Development Standards

23.60A.248 Development standards in the CN Environment

Development, shoreline modifications and uses in the CN Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards.

Subchapter VII The Conservancy Preservation (CP) Environment

23.60A.250 Applicable standards in the CP Environment

All uses and developments in the CP Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the CP Environment.

Part 1 Uses

23.60A.252 Uses in the CP Environment

A. Use regulations

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.252 and Table A for 23.60A.252. 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.252.

2. If Table A for 23.60A.252 or text of Section 23.60A.252 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.252 Uses in the CP Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	See subsection 23.60A.252.B
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.252.B
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	See subsection 23.60A.252.C and 23.60A.252.D
N.2. Cargo terminals	X
N.3. Moorage	X
N.4 Navigational locks	X
N.5. Parking	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	See subsection 23.60A.252.D
N.8. Transportation facilities, air	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	X
N.11. Railroads	X
N.12. Streets	See subsections 23.60A.252.E
O. UTILITY USES	X
P. UTILITY LINES	See subsections 23.60A.252.F

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
X = Prohibited

B. Park and open space and institutional uses

1. The following park and open space and institutional uses are allowed: Underwater diving areas, vegetated areas used for open space, pervious bicycle and pedestrian paths, and viewpoints are allowed as a special use. Non-motorized-boat landing areas are allowed as a special use if located a minimum of 200 feet from any developed areas where boats can enter or exit the water and designed and located to minimize loss of vegetation.

2. All other park and open space and institutional uses are prohibited.

C. Bridges and tunnels

1. Bridges containing railroads and streets are prohibited; and

2. Tunnels are allowed if no permanent adverse impacts to the shoreline environment occur.

D. Rail transit facilities

1. Rail transit facilities that are approved by the City Council under subsection 23.80.004.C are allowed:

a. If located in or on an existing bridge structure, existing tunnel, or existing infrastructure related to a bridge or tunnel; or

b. If other locations are infeasible.

2. Other rail transit facilities are prohibited.

E. Streets are allowed as a shoreline conditional use if needed to access a lot in the Shoreline District and if no reasonable alternative location exists.

F. Utility lines are allowed on dry land as a special use and are allowed in water as a shoreline conditional use if no reasonable alternative location exists.

Part 2 Development Standards

23.60A.256 Height in the CP Environment

The maximum height in the CP Environment is 15 feet.

23.60A.258 Shoreline setbacks in the CP Environment

A. Areas with 80 percent or more of intact vegetation

1. In areas where there is 80 percent or more intact vegetation a shoreline setback of 100 feet from OHW marks is required.

2. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

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;

b. The minimum necessary for bridges overwater, or tunnels underwater that are allowed pursuant to Section 23.60A.209;and

c. More than 20 feet landward of the OHW mark for:

1) Viewpoints accessory to a parks and open space use allowed, or allowed as a special use or as a shoreline conditional use in the CP Environment or for required public access; and

2) Spur trails to access the viewpoints allowed in the setback under subsection 23.60A.258.A.2.c.1.

B. Areas with less than 80 percent of intact vegetation

1. In all other areas a shoreline setback of 50 feet from the OHW mark is required.

2. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

a. The minimum necessary for:

1) Shoreline modifications allowed, or allowed as a special use or a shoreline conditional use in the CP Environment and for the minimum necessary access to them;

2) Operation of and access to the over-water components of a water-dependent or water-related use;

3) Bridges and tunnels allowed or allowed as a shoreline conditional use and the minimum necessary access to them;

4) Streets allowed as a shoreline conditional use;

5) Utility lines allowed as a special or shoreline conditional use necessary to serve things allowed in the setback or over water; and

6) Research, aquatic, scientific, historic, cultural and educational uses pursuant to Section 23.60A.210; and

b. More than 20 feet landward of the OHW mark for:

1) Viewpoints accessory to a parks and open space use allowed, or allowed as a special use or as a shoreline conditional use in the CP Environment or for required public access; and

2) Spur trails to access the viewpoints allowed in the setback under subsection 23.60A.258.B.2.b.1.

Subchapter VIII The Conservancy Recreation (CR) Environment

23.60A.280 Applicable standards in the CR Environment

All uses and developments in the CR Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the CR Environment.

Part 1 Uses

23.60A.282 Uses in the CR Environment

A. Use regulations

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.282 and Table A for 23.60A.282. 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.282.

2. If Table A for 23.60A.282 or text of Section 23.60A.282 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.282 Uses in the CR Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60A.282.B
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	X
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and service uses, automotive	X
C.10. Sales and services, general	See subsection 23.60A.282.B
C.11. Sales and service uses, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats,	See subsection 23.60A.282.B
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsection 23.60A.282.B
C.12.d. Vessel repair, major	X
C.12.e. Vessel repair, minor	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	X
E.2. Child care centers	X
E.3. Colleges	X
E.4. Community center or club	
E.4a. Yacht boat and beach clubs	See subsection 23.60A.282.C
E.4b. Other community centers or clubs	See subsection 23.60A.282.B
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X

Table A for 23.60A.282 Uses in the CR Environment	
E.10. Museum	X
E.11. Private club	X
E.12. Religious facilities	X
E.13. Schools, elementary or secondary	X
E.14. Vocational or fine arts schools	X
E.15. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.282.D
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Accessory dwelling unit	X
K.2. Adult family homes	X
K.3. Artist studio/dwelling	X
K.4. Assisted living facilities	X
K.5. Congregate residences	X
K.6. Detached accessory dwelling unit	X
K.7 Domestic Violence Shelter	X
K.8. Floating homes and moorage	X
K.9. Mobile park home	X
K.10. Multifamily residences	X
K.11 Nursing homes	X
K.12 Single-family dwelling units	See subsection 23.60A.282.E
K.13 Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.282.F
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	X
N.3.a.2. Recreational marina	See subsection 23.60A.282.G
N.3.b. Dry boat storage	SU
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b Parking, accessory use	P

Table A for 23.60A.282 Uses in the CR Environment	
N.6. Passenger terminal	SU
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	CU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	SU
N.11. Railroads	SU
N.12. Streets	See subsection 23.60A.282.H
O. UTILITY USES	
O.1. Communication utilities, minor	X
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.282.I
P. UTILITY LINES	See subsections 23.60A.282.H

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
X = Prohibited

B. Certain commercial uses

1. The following uses are allowed if they meet the conditions of subsections 23.60A.282.B.2 or 3 and are otherwise prohibited:

a. Eating and drinking establishments;

b. General sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complementary to allowed recreation activities or directly support the general public's use of park, park amenities and shoreline recreation;

c. Rental of large boats;

d. Sale and rental of small boats, boat parts, or accessories; and

e. Community centers limited to small-craft centers, are allowed as a shoreline conditional use if located in a public park, and are prohibited otherwise eating and drinking establishments.

2. The uses listed in subsection 23.60A.282.B.1 are allowed as a shoreline conditional use if the use is water-oriented and located in a public park.

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 provided within the Shoreline District within the same geographic area as the site.

C. Yacht, boat and beach clubs that are community clubs are allowed as a shoreline conditional use if:

1. No eating and drinking establishment is included in the use;

2. No more than one accessory pier or float is included in the use; and

3. Accessory piers or floats meet the standards of Section 23.60A.187 for piers and floats accessory to a single-family residential development.

D. Parks and open space uses. Auto-trailered boat launch areas are allowed as a shoreline conditional use if in a park, and are otherwise prohibited. Other shoreline parks and open spaces uses are allowed, and general parks and open space uses are prohibited.

E. Single-family dwelling units

1. Single-family dwelling units constructed wholly over water are prohibited.

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:

a. There is no existing principal use on the lot;

b. The lot on which the dwelling unit is to be located:

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

2) Has a lot area that is less than 1,200 square feet of dry land and a dry land lot depth that is less than 30 feet but at least 15 feet as calculated pursuant to Section 23.60A.956; and

c. The development is limited to the greatest extent reasonable to the level and stable, dry land portions of the site. In determining the location for development, the Director may waive or modify the development standards of the underlying zone applicable to the single-family use in a CR Environment to minimize the amount of development over submerged lands.

3. Existing single-family dwelling units constructed partially over water may be maintained, repaired, structurally altered, substantially improved, or replaced, but may not change location or configuration in a manner that increases adverse environmental impacts. When either the dwelling unit or deck structure is substantially improved or replaced, decks located overwater shall be reduced to 150 square feet or less.

F. Bridges and tunnels containing rail transit facilities that are approved by the City Council under subsection 23.80.004.C are allowed. Bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use if no reasonable alternative location exists.

G. Recreational marinas are allowed if accessory to an allowed yacht, boat and beach club or accessory to an existing multifamily waterfront development of ten units or more, and meet the standards of subsection 23.60A.282.C.

H. Streets necessary to serve lots in the Shoreline District and utility lines are allowed as a special use, if no reasonable alternative location exists.

I. Utility service uses for treating and storing stormwater and/or combined sewage are allowed as a shoreline conditional use if they reasonably require a shoreline location to operate. All other utility service uses are prohibited.

Part 2 Development Standards

23.60A.286 Height in the CR Environment

A. Maximum height

1. The maximum height allowed in the CR Environment is 15 feet except as provided in subsections 23.60A.286.B, 23.60A.286.C and 23.60A.286.D.

2. The maximum height allowed as a shoreline conditional use in the CR Environment is 30 feet except as provided in subsections 23.60A.286.B, 23.60A.286.C and 23.60A.286.D.

B. Pitched roofs. The ridge of a pitched roof on a principal structure, including projections to accommodate windows, may extend 5 feet above the maximum height allowed, as provided in the underlying zone or special district.

C. Rooftop features

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and religious symbols for religious institutions may extend 10 feet above the maximum height limit, provided:

a. The feature is allowed in the underlying zone or special district; and

b. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters, stair and elevator penthouses, skylights and solar collectors may extend 4 feet above the maximum height limit where allowed in the underlying zone or special district, except where the width of such features obstructs the view of the shoreline from a substantial number of

residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Structures may extend 18 inches above the maximum height limit if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

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

23.60A.288 Lot coverage in the CR Environment

A. Waterfront lots. Structures, including floats and piers, shall not occupy more than 35 percent of a waterfront lot except as provided in subsection 23.60A.288.C.

B. Upland lots. On upland lots, the lot coverage limits of the underlying zone or special district shall not be exceeded.

C. Lot coverage exceptions. On waterfront single-family zoned lots, the maximum combined lot coverage allowed for principal and accessory structures on dry land is as follows:

Table A for 23.60A.288
Lot coverage in the CR Environment

Lot Size	**Maximum Coverage**
Less than 5,000 sq. ft.	1,000 sq. ft. plus 15 percent of lot area
5,000 sq. ft. or more	35 percent of lot area

23.60A.290 Shoreline setbacks in the CR Environment

A. A shoreline setback of 50 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:

1. The minimum necessary for single-family dwelling units allowed as a shoreline conditional use and access to them;

2. More than 20 feet landward of the OHW mark for:

a. Shoreline parks and open space bicycle and pedestrian paths; and

b. The minimum necessary for viewpoints for required public access and spur trails to access such viewpoints; and

3. More than 35 feet landward of the OHW mark for:

a Water-dependent and water-related uses; and

b. Natural athletic fields with no lighting, bath houses, and concession stands, pavilions, seating limited to one bench every 50 feet and access to these uses.

B. In addition to the shoreline setback required in subsection 23.60A.290.A, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in subsection 23.60A.206.B.3.

23.60A.292 View corridors in the CR Environment

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

23.60A.294 Regulated public access in the CR Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Existing multifamily residential development containing more than four units with more than 100 feet of shoreline, except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development; and

2. Development and uses that are:

a. Not residential and not water-dependent; or

b. Not 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.

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

Subchapter IX: The Conservation Waterway (CW) Environment

23.60A.300 Applicable standards in the CW Environment

All uses and developments in the CW Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the CW Environment.

Part 1 Uses

23.60A.310 Uses in the CW Environment

A. Use regulations

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.310 and Table A for 23.60A.310. 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.310.

2. If Table A for 23.60A.310 or text of Section 23.60A.310 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. In addition to the use standards for the CW Environment, uses shall also meet the use standards of abutting shoreline environments.

C. On dry land, uses are allowed if accessory to conforming uses on abutting lots.

D. Uses may also need separate approval from DNR and/or Seattle Department of Transportation.

Table A for 23.60A.310 Uses in the CW Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60A.310.E
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	X

Table A for 23.60A.310 Uses in the CW Environment	
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and services, automotive	X
C.10. Sales and services, general	See subsection 23.60A.310.E
C.11. Sales and services, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats	See subsections 23.60A.310.G
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsections 23.60A.310.E and 23.60A.310.F
C.12.d. Vessel repair, major	CU
C.12.e. Vessel repair, minor	SU
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	X
E.2. Child care centers	X
E.3. Colleges	X
E.4. Community center or club	
E.4a. Yacht, boat and beach clubs	SU
E.4b. Other community centers or clubs	X
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X
E.9. Museum, WD	SU
E.10. Private club	X
E.11. Religious facilities	X
E.12. Schools, elementary or secondary	X
E.13. Vocational or fine arts schools	X
E.14. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE	
H.1 General	X
H.2 Shoreline	SU
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211

Table A for 23.60A.310 Uses in the CW Environment	
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.310.H
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1 Commercial moorage	SU
N.3.a.2 Recreational marina	X
N.3.b. Dry boat storage	X
N.4 Navigational locks	X
N.5. Parking, principal use	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	SU
N.11. Railroads	X
N.12. Streets	X
O. UTILITY USES	X
P. UTILITY LINES	SU

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
X = Prohibited

E. Eating and drinking establishments, sale and service, and boat rentals

1. Eating and drinking establishments, general sales and service uses and sale and rental of small boats, boat parts and accessories are prohibited except as provided in subsections 23.60A.310.E.2 and 23.60A.310.F.

2. The uses set out in subsection 23.60A310.E.1 are allowed as shoreline conditional uses on an historic ship if:

a. The ship is either a designated landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;

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

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

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, if the ship is designated a landmark pursuant to Chapter 25.12;

e. No other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site; and

f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided within the same geographic area as the proposed project.

F. Sale and rental of small boats, boat parts and accessories that are boat liveries are allowed.

G. Sale and rental of large boats

1. Rental of large boats is allowed as a special use.

2. The sale of large boats is allowed as a conditional use if:

a. The use is accessory to an institutional use promoting recreational activities on the water that is located on a waterfront lot abutting Lake Union;

b. No more than three boats for sale are moored on site at any one time; and

c. Each boat for sale is temporarily moored for no more than 90 days.

H. Bridges and tunnels containing rail transit facilities that are approved by the City Council under subsection 23.80.004.C.2 are allowed. Bridges containing other rail transit facilities, railroads or streets are prohibited. Tunnels for other rail transit facilities, railroads or

streets are allowed as a special use. Bridges for pedestrians that provide public access across the waterway if they connect parts of a public park are allowed as a special use.

23.60A.326 General provisions in the CW Environment

All structures in waterways shall be floating except that pilings and dolphins may be allowed in waterways to secure floating structures if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the waterway.

Part 2 Development Standards

23.60A.328 Height in the CW Environment

The maximum height in the CW Environment is 15 feet.

23.60A.330 Lot coverage in the CW Environment

Structures, including floats and piers, shall not occupy more than 35 percent of the entire waterway nor more than 40 percent of the width of the waterway. The standard in subsection 23.60A.336.B supersedes the allowances provided in this Section 23.60A.330.

23.60A.332 Shoreline setbacks in the CW Environment

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 allowed in Section 23.60A.167.

23.60A.334 View corridors in the CW Environment

A view corridor or corridors of not less than 50 percent of the width of the waterway shall be provided and maintained for all developments.

23.60A.336 Regulated public access in the CW Environment

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 more than 50 percent of product or materials by water, or the need for large quantities of water.

B. An open water area with a width of not less than 50 feet for the length of the waterway shall be provided and maintained on all waterways to provide access for public navigation. The location of the open water area shall be determined by the Director.

Subchapter X: The Urban Commercial (UC) Environment

23.60A.380 Applicable standards in the UC Environment

All uses and developments in the UC Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UC Environment.

Part 1 Uses

23.60A.382 Uses in the UC Environment

A. Use regulations

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.

2. Table A and water-dependent and water-related uses

a. Table A and subsections 23.60A.382.C through H apply to waterfront lots.

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.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Use on upland lots

1. All uses allowed, allowed as a special use, or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.

2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:

a. Transportation uses that are prohibited on waterfront lots;

b. Utility uses that are prohibited on waterfront lots;

c. Heavy manufacturing uses; and

d. High impact uses.

Table A for 23.60A.382
Uses in the UC Environment

Uses	Waterfront Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Community Garden	P
A.3. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WO	P
C.2. Eating and drinking establishments	See subsection 23.60A.382.C and 23.60A.382.E
C.3. Entertainment uses	See subsection 23.60A.382.C and 23.60A.382.E
C.4. Food processing and craft work uses	See subsection 23.60A.382.C and 23.60A.382.E
C.5. Sales and services, general	See subsection 23.60A.382.C and 23.60A.382.E
C.6. Offices	See subsection 23.60A.382.C and 23.60A.382.E
C.7. Commercial uses not WO	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Yacht, boat, and beach clubs	P
E.2. Colleges	WD/WR
E.3. Institutes for advance study	WD/WR
E.4. Museums	WD/WR

Table A for 23.60A.382
Uses in the UC Environment

Uses	Waterfront Lots
E.5. Vocational schools	WD/WR
E.6. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	
G.1. Light manufacturing	WD/WR
G.2. General manufacturing	WD/WR
G.3. Heavy manufacturing	X
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	See subsection 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Artist studio/dwelling	See subsections 23.60A.382.D and 23.60A.382.E
K.2. Floating homes and moorage	See subsection 23.60A.382.F
K.3. Multifamily residences	See subsections 23.60A.382.D and 23.60A.382.E
K.4. Single-family dwelling units	See subsections 23.60A.382.D and 23.60A.382.E
K.5. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	WD/WR
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD/WR
N.7. Rail Transit Facilities	P
N.8. Transportation Facilities, Air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P

Table A for 23.60A.382 Uses in the UC Environment	
Uses	**Waterfront Lots**
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.382.G
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.382.H
P. UTILITY LINES	P

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise
WO = Allowed for water-oriented uses;
X = Prohibited

C. Limited commercial uses

1. The following uses are prohibited, 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:

a. Eating and drinking establishments;

b. Entertainment uses;

c. Food processing and craft work uses;

d. Sales and services, general; and

e. Offices.

2. Office uses must be located on dry land and either:

a. On a lot that does not abut the Lake Union area; or

b. Above the lowest floor level of a structure on a lot that abuts the Lake Union area and in a structure that complies with the standards in subsection 23.60A.382.E.

3. Non-office uses must be located:

a. On dry land; or

b. On a historic ship either designated as historic by the City of Seattle Landmarks Preservation Board or listed on the National Register of Historical Places and meeting the following conditions:

1) It is impractical to incorporate uses permitted outright because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

2) The use is compatible with the existing design or construction of the ship without significant alteration;

3) A certificate of approval has been obtained from the City of Seattle Landmarks Preservation Board; and

4) No other historic ship containing an eating and drinking establishment or sales and services, general, uses is located within 1/2 mile of the proposed site.

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 or on a site 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:

a. Enhanced public access is provided that:

1) Occupies at least one-third of the dry land lot area;

2) Includes public access to the water frontage;

3) Includes a public walkway with benches and picnic tables along the entire water frontage; and

4) Connects public walkways to adjacent public access sites, public parks or other public facilities; or

b. Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided within the same geographic area as the proposed nonwater-oriented use; or

c. Where enhanced public access cannot be provided due to lot size and configuration or incompatibility with water-dependent uses, and ecological restoration cannot occur because there are no restoration opportunities available, the Director may approve one or more of the following facilities or amenities as an alternative to subsection 23.60A.382.C.4.a. or 23.60A.382.C.4.b if the Director determines they would provide a similar amount of public access as 23.60A.382.C.4.a:

1) Facilities for the moorage, restoration, or reconstruction of one or more historic vessels;

2) Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization;

3) Terminal facilities for one or more cruise ships, harbor tour boats, or foot passenger ferries; or

4) Moorage marked as being exclusively for commercial fishing vessels at rates equivalent to that charged at public moorage facilities of 500 linear feet or greater.

5. In measuring the size of a regulated public access site, vegetated areas within 35 feet of the OHW mark may be included.

6. Permits issued pursuant to this subsection 23.60A.382.C.1 shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the water-dependent uses that satisfy the 50 percent dry lot area requirement.

D. Artist studio/dwellings, multifamily structures, and single-family dwelling units

1. Existing artist studio/dwellings, multifamily structures, and single-family dwelling units located on dry land are allowed if there is no increase in the number of units.

2. Existing overwater artist studio/dwellings, multifamily structures, and single-family dwelling units located overwater:

a. May be maintained, repaired, structurally altered, substantially improved, or replaced, but shall not:

1) Increase the number of units;

2) Increase over water coverage;

3) Change location or configuration in a manner that increases adverse environmental impacts; and

b. Shall reduce decks located overwater to 150 square feet or less when either the dwelling unit or deck structure is substantially improved or replaced.

3. Height of structures overwater containing a residential use can increase to 30 feet if treated wood piles are removed and replaced with non-treated piles or if there is another significant improvement to ecological functions.

4. New or expanded artist studio/dwellings, multifamily structures, and single-family dwelling units on dry land are allowed as a shoreline conditional use if:

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;

b. The use is located above the 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 may be located at the lowest floor level;

c. The use is on a lot developed with or on a lot abutting another lot developed with a residential use other than a caretaker's quarters; and

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:

1) Existing piers or other structures suitable for use by a water-dependent use;

2) Adequate amounts of submerged and dry lands; and

3) Adequate water depth and land slope.

E. Location of uses

1. If an office use is allowed 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;

2. All uses located on the lowest floor level shall be located and designed, as determined by the Director, to encourage public access to the shoreline by locating uses that have outdoor activities on the site on the waterside of the development, such as outdoor seating for a cafe.

3. Calculation of lowest floor level. The lowest floor level shall be that level of a structure having the closest floor level to the OHW mark. For a sloping lot, the Director shall determine what constitutes the lowest floor level, taking into consideration the purpose of subsection 23.60A.382.E.2.

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 if located 35 feet or more waterward from the OHW mark.

G. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

H. Utility service uses are allowed if they reasonably require a shoreline location to operate.

23.60A.384 Uses allowed overwater in the UC Environment

A. In addition to the uses allowed overwater in Section 23.60A.090, the following uses are allowed over water if the standards of subsection 23.60A.384.B are met:

1. Commercial uses;

2. Entertainment uses;

3. Light and general manufacturing;

4. Colleges, vocational schools and institutes for advanced studies;

5. Passenger terminals;

6. Office uses, if accessory to a water-dependent or water-related use located on the same lot; and

7. Storage uses, if accessory to a water-dependent use and located on the same development site as such water-dependent use.

B. Standards required for the uses listed in subsection 23.60A.384.A are as follows:

1. The dry land lot depth is less than 35 feet;

2. The location of the use on dry land is not reasonable;

3. The use is on or in an existing structure;

3. There is no increase in overwater coverage; and

4. The uses allowed under subsection 23.60A.384.A.1through 4 shall be:

a. Water-dependent;

b Water-related and accessory to a water-dependent use on or in the structure; or

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.

C. In addition to the uses allowed over water in Section 23.60A.090, if the following uses are not water-dependent or water-related, they are allowed as provided in subsection 23.60A.384.D:

1. Eating and drinking establishments;

2. General sales and services;

3. Office uses;

4. Entertainment uses; and

5. Custom and craft work.

D. Standards for uses over water

1. The uses in 23.60A.384.C are allowed as follows:

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

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;

2. A water-dependent or water-related use occupies the lowest floor level of the existing building or structure.

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.

Part 2 Development Standards

23.60A.386 Height in the UC Environment

A. Maximum height. The maximum heights in the UC Environment are as follows, as modified in subsections 23.60A.386.B through 23.60A.386.E:

1. The maximum height is 30 feet in all locations except those listed in subsections 23.60A.386.A.2 through 23.60A.386.A.4;

2. The maximum height on upland lots along Westlake Avenue North is as follows:

a. Fremont Bridge to Newton Street 40 feet; and

b. South of Newton Street 65 feet.

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way is 65 feet.

4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street is 40 feet.

B. Height exemptions for water-dependent uses

1. Floating structures accessory to a water-dependent use that, by reason of intended use, require additional height may be authorized up to 35 feet, with or without a flat roof, by the Director if:

a. Not more than 25 percent of the lot area would be at an increased height; and

b. The views of a substantial number of residences on areas within or adjoining the Shoreline District would not be obstructed by the increased height.

2. Water-dependent uses. Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched roofs. In areas with a maximum height limit of 30 or 40 feet, the ridge of pitched roofs on principal structures, including projections to accommodate windows, may extend up to 5 feet above the height permitted where allowed in the underlying zone or special district.

D. Rooftop features.

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys, and religious symbols for religious institutions are exempt from height controls of this Chapter 23.60A, provided:

a. The feature is a minimum of 10 feet from all lot lines and allowed in the underlying zone or special district; and

b. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar collectors may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage, where allowed in the underlying zone or special district, except where the width of such features obstructs the view of the shoreline from a

substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Stair and elevator penthouses, mechanical equipment, play equipment and open-mesh fencing which encloses it, if located at least 15 feet from the roof edge may extend 10 feet above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

4. Structures may extend 18 inches above the maximum height limit if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

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

23.60A.388 Lot coverage in the UC Environment

A. Waterfront lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than 50 percent of the submerged land of any lot.

2. Structures shall not occupy more than 50 percent of the dry land of any lot.

B. Upland lots. The lot coverage of the underlying zone shall not be exceeded.

C. Lot coverage exceptions

1. On waterfront lots with less than an average of 50 feet of dry land between the OHW mark and the street right-of-way, a maximum lot coverage of 65 percent is allowed on the dry land portion of the lot.

2. On single-family zoned lots the maximum combined lot coverage allowed for principal and accessory structures on dry land is as follows:

Table A for 23.60A.388 Lot coverage in the UC Environment	
Lot Size	**Maximum Coverage**
Less than 5,000 square feet sq. ft.	1,000 sq. ft. plus 15 percent of lot area
5,000 sq. ft. or more	35 percent of lot area

3. On the dry land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure that are below grade at the completion of construction shall not be included in lot coverage.

23.60A.390 Shoreline setbacks in the UC Environment

A. A shoreline setback of 35 feet from the OHW mark is required.

B. No development, use, or shoreline modification is allowed within this shoreline setback except as allowed in Section 23.60A.167.

C. In addition to shoreline setback required in subsection 23.60A.390.A, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in subsection 23.60A.206.B.3.

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 the same geographic area as the site is provided.

23.60A.392 Regulated public access in the UC Environment

A. Private property.

1. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Residential developments containing more than four units with more than 100 feet of shoreline, except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development;

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 more than 50 percent of product or materials by water, or the need for large quantities of water;

c. Marinas, except as exempted by subsection 23.60A.200.D; and

d. Existing yacht, boat and beach clubs that have facilities over water that are not water-dependent;

2. Development and uses on private 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 on privately owned lots.

3. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 75 percent.

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

23.60A.394 View corridors in the UC Environment

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot designated UC separated from the water by a street, railroad right-of way, or a waterfront lot designated CM, CR, CP or CN, except as provided in subsection 23.60A.394.D.

B. View corridors are not required for single-family residential development and floating home moorages.

C. A view corridor or corridors of not less 65 percent of the width of the lot shall be provided and maintained on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street.

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 more 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.

23.60A.396 Development between the Pierhead Line and the Construction Limit Line in the UC Environment in Lake Union and Portage Bay

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.

Subchapter XI: The Urban General (UG) Environment

23.60A.400 Applicable standards in the UG Environment

All uses and developments in the UG Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UG Environment.

Part 1 Uses

23.60A.402 Uses in the UG Environment

A. Use regulations

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.

2. Table A and water-dependent and water-related uses

a. Table A and subsections 23.60A.402.C through F apply to waterfront lots.

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.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

4. A commercial, institutional, or manufacturing use, other than a use required to be water-dependent or water-related, shall be water-oriented unless:

a. Either

1) The applicant demonstrates the site is unsuited for water-oriented uses because it has limited or no water access; or

2) The use is in a development or on a site that includes a water-dependent use occupying 50 percent of the site; and

b. Ecological restoration occurs within the Shoreline District equivalent to the gross floor area of the proposed nonwater-oriented uses within the same geographic area as the proposed use.

B. Uses on upland lots

1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.

2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:

a. Transportation uses that are prohibited on waterfront lots

b. Utility uses that are prohibited on waterfront lots;

c. Residential uses that are prohibited on waterfront lots;

d. Lodging;

e. Live-work units; and

f. High-impact uses that are not water-dependent or water-related.

Table A for 23.60A.402
Uses in the UG Environment

Uses	Waterfront Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	P
C.2. Eating and drinking establishments	P
C.3. Entertainment uses	P
C.4. Food processing and craft work uses	P
C.5. Laboratories, research and development	P
C.6. Lodging	X
C.7. Medical services	P
C.8. Offices	P
C.9. Sales and services, automotive	X
C.10. Sales and services, general	P
C.11. Sales and services, heavy	P
C.12. Sales and services, marine	P
D. HIGH-IMPACT USES	See subsection 23.60A.402.C
E. INSTITUTIONAL USES	P
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	P
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Accessory dwelling unit	X
K.2. Adult family homes	X
K.3. Artist studio/dwelling	See subsection 23.60A.402.D
K.4. Assisted living facilities	X
K.5. Congregate residences	X
K.6. Detached accessory dwelling unit	X
K.7 Domestic Violence Shelter	X

Table A for 23.60A.402 Uses in the UG Environment	
Uses	**Waterfront Lots**
K.8. Floating homes and moorage	X
K.9. Mobile park home	X
K.10. Multifamily residences	X
K.11. Nursing homes	X
K.12. Single-family dwelling units	See subsection 23.60A.402.D
K.13 Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	P
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	X
N.5.a Parking, principal use	X
N.5.b Parking, accessory use	P
N.6. Passenger terminal	WD/WR
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.402.E
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	X
O.6. Solid waste management	WD/WR
O.7. Utility service uses	See subsection 23.60A.402.F
P. UTILITY LINES	P

KEY

CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
WR = Allowed for water-related uses; prohibited otherwise
X = Prohibited

C. High impact uses are allowed as a special use if they are water-dependent or water-related.

D. Existing single-family dwelling units and artist studio/dwellings are allowed.

E. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

F. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Part 2 Development Standards

23.60A.406 Height in the UG Environment

A. Maximum height. The maximum height in the UG Environment is 35 feet, except as modified in subsections 23.60A.406.B through 23.60A.406.D.

B. Height exceptions for water-dependent uses. The following height exceptions apply to water-dependent uses in the UG Environment:

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

2. Structures accessory to a water-dependent or water-related use, including but not limited to accessory office, accessory warehouse, and accessory manufacturing facilities, may be authorized up to 55 feet in the Ballard/Interbay North Industrial and Manufacturing Center by the Director if:

a. The accessory structure requires additional height because of its intended use;

b. Granting additional height for the accessory structure would result in a significant amount of additional usable area for the principal water-dependent use, water-related use and/or additional area for ecological restoration and enhancement;

c. Not more than 20 percent of the lot area is covered by portions of the structure that exceed the maximum height established in subsection 23.60A.406.A;

d. The remaining 80 percent of the lot is preserved through a covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; and

e. The views of the shoreline of a substantial number from residences on areas within or adjoining the Shoreline District would not be obstructed by the increased height.

C. Rooftop features

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and religious symbols for religious institutions are exempt from height controls of this Chapter 23.60A provided:

a. The features are no closer to any adjoining lot line than 50 percent of their height above existing grade; or

b. If attached to the roof, the feature is no closer to any adjoining lot line than 50 percent of its height above the roof portion where attached; and

c. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters, skylights and solar collectors may extend 4 feet above the maximum height limit, except where the width of such features obstructs the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Stair and elevator penthouses and mechanical equipment may extend 10 feet above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

4. Structures may extend 18 inches above the maximum height limit if the proposed roof insulation exceeds the energy code requirements in effect when the structure is constructed.

D. Bridges. Bridges may exceed the maximum height limit.

23.60A.408 Lot coverage in the UG Environment

The lot coverage of the underlying zone shall not be exceeded.

23.60A.410 Shoreline setbacks in the UG Environment

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 allowed in Section 23.60A.167.

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 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.

23.60A.412 View corridors in the UG Environment

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

23.60A.414 Regulated public access in the UG Environment

A. Private Property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Marinas, except as exempted in subsection 23.60A.200. D; and

2. Development and uses that are not water-dependent, except

a. Water-related uses that 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; and

b. Development located on private lots in the Lake Union area that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the OHW, and abut a street and/or waterway providing public access;

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

Subchapter XII: The Urban Harborfront (UH) Environment

23.60A.440 Applicable standards in the UH Environment

All uses and developments in the UH Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UH Environment.

Part 1 Uses

23.60A.442 Uses in the UH Environment

A. Use regulations

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.442 and Table A for 23.60A.442. 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.442.

2. If Table A for 23.60A.442 or text of Section 23.60A.442 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE		
A.1. Aquaculture	CU	CU
A.2. Community Garden	X	P
A.3. Other agricultural and forest practice uses	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES		
C.1. Animal shelters and kennels	X	P
C.2. Eating and drinking establishments	See subsection 23.60A.442.B and 23.60A.442.C	P
C.3. Entertainment uses	See subsection 23.60A.442.B	P
C.4. Food processing and craft work		
C.4.a Food processing uses	See subsection 23.60A.442.D	P
C.4.b Custom and craft work uses	See subsection 23.60A.442.B	P
C.5. Laboratories, research and development, WD	P	P
C.6. Lodging	See subsection 23.60A.442.E	P
C.7. Medical services	X	P
C.8. Offices	See subsections 23.60A.442.F	P
C.9. Sales and service uses, automotive	X	X
C.10. Sales and services, general	See subsection 23.60A.442.B and	

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
	23.60A.442.C	
C.11. Sales and service uses, heavy		
C.11.a Commercial sales heavy	X	P
C.11.b. Commercial services, heavy	X	P
C.11.c. Retail sales, major durables	X	P
C.11.d. Retail sales and services, non-household	X	P
C.11.e. Wholesale showroom	See subsection 23.60A.442.D	P
C.12. Sales and services, marine		
C.12.a Marine service station	X	X
C.12.b. Sale or rental of large boats	CU	CU
C.12.c. Sale or rental of small boats, boat parts, or accessories	P or CU see subsection 23.60A.442.C	P
C.12.d. Vessel repair, major	X	X
C.12.e. Vessel repair, minor	See subsection 23.60A.442.G	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES		
E.1. Adult care centers	X	P
E.2. Child care centers	See subsections 23.60A.442.F	P
E.3. Colleges	See subsection 23.60A.442.H	P
E.4. Community center or club		
E.4.a Yacht, boat and beach clubs	P	P
E.4.b Other community centers or clubs	See subsection 23.60A.442.D	P
E.5. Family support center	X	P
E.6. Hospitals	X	P
E.7. Institute for advanced study	See subsection 23.60A.442.H	P
E.8. Library	X	P
E.10. Museum	See subsections 23.60A.442.B	P
E.11. Private club	X	P
E.12. Religious facilities	X	P
E.13. Schools, elementary or secondary	X	P
E.14. Vocational or fine arts schools	See subsection 23.60A.442.H	P

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
E.15. Other institutional uses	X	X
F. LIVE-WORK UNITS	X	P
G. MANUFACTURING USES		
G.1. Light manufacturing	See subsection 23.60A.442.I	See subsection 23.60A.442.I
G.2. General manufacturing	X	X
G.3. Heavy manufacturing	X	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.442.B and 23.60A.442.J	P
I. PUBLIC FACILITIES	See subsection 23.60A.442.K	P
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210	See Section 23.60A.210
K. RESIDENTIAL USES	X	P
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	See Section 23.60A.211
M. STORAGE USES		
M.1. Mini-warehouses	X	X
M.2. Storage, outdoor	See subsection 23.60A.442.L	See subsection 23.60A.442.L
M.3. Warehouses	See subsection 23.60A.442.L	See subsection 23.60A.442.L
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	P	P
N.2. Cargo terminals	See subsection 23.60A.442.M	See subsection 23.60A.442.M
N.3. Moorage		
N.3.a. Boat moorage	P	P
N.3.b. Dry boat storage	See subsection 23.60A.442.N	See subsection 23.60A.442.N
N.4 Navigational locks	X	X
N.5. Parking		
N.5.a Parking, principal use	X	See subsection 23.60A.442.O
N.5.b. Parking, accessory	See subsection 23.60A.442.P	P
N.6 Passenger terminal	See subsection 23.60A.442.Q	WR
N.7. Rail transit facilities	P	P
N.8. Transportation facilities, air	X	X

Table A for 23.60A.442 Uses in the UH Environment		
Uses	**Waterfront Lots**	**Upland Lots**
N.9. Vehicle storage and maintenance	X	X
N.10. Tugboat services	P	P
N.11. Railroads	P	P
N.12. Streets	P	P
O. UTILITY USES		
O.1. Communication utilities, minor	See subsection 23.60A.442.R	See subsection 23.60A.442.R
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60A.442.S	See subsection 23.60A.442.S
P. UTILITY LINES	SU	P

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
WR= Allowed for water-related-uses; prohibited otherwise
X = Prohibited

B. Water-oriented and nonwater-oriented uses

1. Water-oriented uses

a. The following uses are allowed on the dry land portion of waterfront lots if the use is water-oriented:

1) Eating and drinking establishments;

2) Entertainment uses, except adult cabaret, adult motion picture theaters and adult panorams, which are prohibited;

3) Parks and open space uses;

4) Custom and craft work;

5) Museums; and

6) Sales and services, general.

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:

1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the project or on the site; and

2) Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use and that is provided within the same geographic area as the project.

2. The uses in subsection 23.60A.442.B.1.a are permitted overwater, if they comply with the standards in subsections 23.60A.442.B.2.a and either subsection 23.60A.442.B.2.b or 23.60A.442.B.2.c; otherwise, they are prohibited over water, except as provided in subsection 23.60A.442.C.

a. If the use is nonwater-oriented, it is allowed if it is part of a mixed use project that includes:

1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the existing building; and

2) Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use and that is provided within the same geographic area as the project.

b. The use is accessory to the public passenger terminal at Colman Dock and:

1) The amount of overwater coverage is not increased; and

2) The use contributes to an active pedestrian environment along the landward edge of the pier.

c. The uses are allowed as a shoreline conditional use if the following requirements are met:

1) The use is on existing or lawfully replaced structures;

2) The dry land lot depth is less than 35 feet measured from the OHW mark to the landward lot line;

3) An unenclosed water-enjoyment use is provided in the area between the building and 15 feet from the seaward end of the pier;

4) All waste and recycling containers are located a minimum of 10 feet from the edge of any side of the pier and are located in an enclosed area.

3. Adult motion picture theaters and panorams are prohibited.

C. Commercial uses on historic ships

1. The following uses are allowed as a shoreline conditional use on an historic ship on waterfront lots if the standards in subsection 23.60A.442.C.2 are met:

a. Eating and drinking establishments;

b. Sales and services, general; and

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

2. Development on historic ships that includes uses listed in subsection 23.60A.442.C.1 must comply with the following standards in addition to the criteria for shoreline conditional uses in Section 23.60A.034:

a. The ship is designated as historic by the City of Seattle Landmarks Preservation Board or listed on the National Register of Historical Places;

b. It is impractical to incorporate uses permitted outright because of the ship design or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

c. The use is compatible with the existing design or construction of the ship without significant alteration;

d. A certificate of approval has been obtained from the City of Seattle Landmarks Preservation Board, if the ship is designated a landmark pursuant to Chapter 25.12;

e. No other historic ship containing an eating and drinking establishment, sales and services, general, or sale and rental of small boats, boat parts and accessories uses is located within 1/2 mile of the proposed site; and

f. If the new use is not water-oriented, ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided within the same geographic area as the proposed project.

D. Food processing uses, nonwater-oriented community centers, and wholesale showrooms are allowed or allowed as a shoreline conditional use as follows:

1. Food processing uses are allowed if water-oriented. Food processing uses that are nonwater-oriented are allowed if the standards in subsection 23.60.442.D.4 are met;

2. Nonwater-oriented community centers are allowed if the standards in subsection 23.60.440.D.4 are met; and

3. Wholesale showrooms are allowed as a conditional use if the standards in subsection 23.60.440.D.4 are met.

4. Uses identified in subsections D.1, D.2, D.3 of Section 23.60.442 are required to:

a. Be located on a site where a water-dependent use occupies 25 percent of the developed portion of the site; and

b. Provide ecological restoration in an amount equivalent to the gross floor area of the use that is nonwater-oriented and that is provided within the same geographic area as the project.

E. Existing lodging uses are allowed. Expansion of public access associated with existing lodging uses is allowed if no new overwater coverage is created. New lodging and all other expansion of existing lodging uses and associated public access is prohibited.

F. Offices and child care facilities on waterfront lots are allowed if they comply with the following standards:

1. The use is part of a development that includes:

a. New or existing water-dependent uses that occupy 25 percent of the developed portion of the lot; and

b. Ecological restoration in an amount equivalent in square footage to the gross floor area of the office or childcare facility and that is provided within the same geographic area as the project; and

2. If the use is over water, in addition to subsection 23.60A.442.F.1:

a. It is located on a an existing or lawfully replaced wharf; and

b. Any offices are at least one story above wharf level.

G. Minor vessel repair is allowed if repair work is limited to non-motorized vessels, there is no painting involved with the repair work, and no boatsheds are a part of the development and is otherwise prohibited.

H. Colleges, institutes for advanced studies, and vocational or fine art schools are:

1. Allowed if they are water-dependent or water-related;

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:

a. New or existing water-dependent uses that occupy 25 percent of the developed portion of the lot; and

b. Ecological restoration in an amount equivalent to the gross floor area of any use that is nonwater-oriented and that is provided within the same geographic area as the project.

I. Light manufacturing

1. Light manufacturing is allowed if it is water-dependent or water-related.

2. Light manufacturing that is not water-dependent or water-related is allowed as a shoreline conditional use if:

a. Light manufacturing uses occupy no more than 25 percent of the developed portion of the lot;

b. The use is part of a development that includes:

1) New or existing water-dependent uses that occupy 25 percent of the developed portion of the lot; and

2) Ecological restoration in an amount equivalent to the gross floor area of any nonwater-oriented use is provided within the same geographic area as the project;

c. The use contributes to the maritime or tourist character of the area; and

d. The use on the lot does not block the access to the water or interfere with the use of the site by water-dependent or water-related uses on site.

J. Parks and open space uses are allowed on submerged lands when located on existing structures or on new structures pursuant to number 10b of Table A for Section 23.60A.172.

K. Public facilities that are water-dependent or water-related or part of an approved Public Improvement Plan for the Harborfront adopted by City Council are allowed.

L. Outdoors storage and warehouse uses

1.Outdoor storage that is staging for construction is allowed as a temporary use.

2.Outdoor storage and warehouses are allowed as a shoreline conditional use if they are water-dependent or water-related or for temporary staging for construction and are prohibited otherwise.

M. Cargo terminals that are break bulk facilities are allowed as a shoreline conditional uses and are otherwise prohibited.

N. Dry boat storage for non-motorized boats is allowed and is otherwise prohibited.

O. Principal use parking is allowed if located in a structure and the street front is occupied by a use other than parking. All other principal parking is prohibited.

P. Accessory parking is allowed if on dry land and accessory to a permitted use on the same lot where the parking is proposed, except as provided in Section 23.60A.090.

Q. Passenger terminals

1. Water-dependent and water-related passenger terminals are allowed.

2. 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:

a. Have the least possible adverse effect on unique or fragile shoreline features;

b. Not result in a net loss of shoreline ecological functions; and

c. Not adversely impact existing or planned water-dependent uses.

3. Queuing accessory to passenger terminals is allowed as follows:

a. Queuing area that is accessory to a water-dependent passenger terminal, nonwater-dependent passenger terminal allowed in subsection 23.60A.442.Q.2, 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.

b. Queuing area is prohibited:

1) Off-site over-water; or

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.

R. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

S. Utility service uses are allowed as a special use on waterfront lots and are allowed on upland lots, if they reasonably require a shoreline location to operate.

Part 2 Development Standards

23.60A.446 Height in the UH Environment

A. Maximum height. The maximum heights in the UH Environment are as follows, as modified in subsections 23.60A.446.B through 23.60A.446.D:

1. The maximum height is 50 feet in all locations except those listed in subsections 23.60A.446.A.2 and 23.60A.446.A.3;

2. The maximum height on waterfront lots in the Central Waterfront Landmark Designated Area is 50 feet as measured from Alaskan Way;

3. The maximum height on upland lots is as determined by the underlying zone or special district.

B. Height exceptions for water-dependent uses. Cranes, gantries, mobile conveyors, light standards, and similar equipment necessary for the functions of water-dependent uses or the servicing of vessels may extend above the applicable maximum height limit, provided such structures shall be designed to minimize view obstruction.

C. Height exception for public open space structures. To allow a public open space and viewing areas on a structure located on dry land, the Director may allow an increase in height above 50 feet, up to a maximum of 65 feet, provided that no height above 50 feet is allowed within 100 feet of the OHW mark. The additional height shall be used to provide viewing areas and uses accessory to the open spaces, such as retail pavilions, shelters, exhibition space, and other permitted uses that complement the open space. The Director's decision to allow the increase in height shall, in part, be based on the review of the proposal as a public facility by the Seattle Design Commission, and a subsequent determination that the proposed departures will accomplish the following design objectives:

1. Better integration of upland areas and the waterfront, with improved public access for the general public between the two areas;

2. A unique viewing environment for observing harborfront activity, Elliott Bay, the city, and surrounding natural features;

3. Open space at varied elevations that relates to existing topographic conditions and minimize the appearance of bulk;

4. Additional uses and features that will attract the public, enliven public areas, and add to the comfort and safety of public spaces; and

5. A more environmentally sustainable design.

D. Rooftop features.

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys, religious symbols for religious institutions and architectural elements that are not occupied by a use, such as clock towers and spires, and that are accessory to public water-dependent passenger terminals may extend up to 50 feet above the maximum height limit in this Section 23.60A.446, provided:

a. The feature is a minimum of 10 feet from all lot lines and allowed in the underlying zone or special district; and

b. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar collectors may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage, where allowed in the underlying zone or special district, except where the width of such features obstructs the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Stair and elevator penthouses, mechanical equipment, play equipment and open-mesh fencing that encloses it, if located at least 15 feet from the roof edge may extend 10 feet above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

4. Structures may extend 18 inches above the maximum height limit if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

E. Bridges. Bridges may exceed maximum height limits.

23.60A.448 Lot coverage in the UH Environment

A. Waterfront lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than 50 percent of the submerged land of any lot, except as provided in subsections 23.60A.448.C and 23.60A.448.D; and

2. Structures shall not occupy more than 50 percent of the dry land of any lot.

B. Upland lots. The lot coverage requirements of the underlying zone applies.

C. Lot coverage exceptions. Piers may exceed allowed lot coverage by the addition of floats for open wet moorage. Existing or new floats may exceed the existing lot coverage or the lot coverage limit, whichever is greater, by a total of 1,600 square feet for all floats. An additional 400 square feet of coverage is allowed for an access ramp.

D. Allowance for increased lot coverage. In addition to overwater coverage allowed in subsections 23.60A.448.A through 23.60A.448.C, additional overwater coverage may be allowed for a water-dependent use or a permitted public use, if the following conditions are met:

1. An equivalent amount of overwater coverage is permanently removed from another overwater structure located within the UH Environment prior to the increase in overwater coverage of the lot;

2. The total amount of coverage on the lot with increased coverage does not exceed 65 percent of the submerged land of the lot; and

3. The owner of the lot reducing overwater coverage agrees in writing to the removal of the overwater coverage.

23.60A.450 Shoreline and side setbacks in the UH Environment

A. A shoreline setback of 25 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within the shoreline setback except as provided in Section 23.60A.167 and the minimum necessary for:

1. Structures providing overhead weather protection within the public right-of-way, such as canopies or awnings, that enhance the pedestrian environment and complement street level activity and uses in abutting development; and

2. Stairs, ramps, overhead pedestrian walkways, mechanical assists, and other forms of pedestrian access to passenger terminal facilities and public open space located above street level, to improve public access to these passenger terminal facilities and public open space areas from upland areas, increase public safety and minimize pedestrian and vehicle conflicts, and contribute to an active and inviting pedestrian environment along Alaskan Way.

B. The side setback is 50 feet from the nearest lot line for all fixed pier structures, not including moorage floats. One-half of an adjacent submerged street right-of-way may be counted towards meeting this requirement.

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 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.

23.60A.452 View corridors in the UH Environment

A. A view corridor or corridors of not less than 30 percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained on all waterfront lots as follows:

1. View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along existing view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;

2. View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

3. Overhead weather protection may extend into the view corridor if designed to frame views from Alaskan Way and east/west rights-of-way and if structures in the view corridors are narrow to minimize view obstruction from pedestrian areas at Alaskan Way or on upland streets.

B. One-half of an adjacent submerged street right-of-way may be counted towards meeting view corridor requirements.

C. Departures for overwater public open space. As an incentive to enhance viewing opportunities by developing public open space jointly with other permitted public facilities on piers or wharf structures, the Director may, as a Type I decision, allow departures to the view corridor requirements of this Section 23.60A.452 and Section 23.60A.170, view corridors, under the process and conditions specified in Section 23.60A.460.

23.60A.454 Regulated public access in the UH Environment

A. Public access meeting the following criteria shall be provided and maintained on all waterfront lots for all developments, except as modified by subsection 23.60A.454.B. Development shall provide a minimum of 15 percent of the developed lot area or 5,000 square feet, whichever is greater, for public access.

1. If 10,500 square feet or more of public access is required, the development shall provide a minimum of a 10 foot wide public access walkway along the three seaward edges of the pier or wharf.

2. If less than 10,500 square feet of public access is required, the development shall provide:

a. A minimum 10 foot wide public access walkway along the north or south edge of the pier or wharf;

b. A minimum 15 foot wide public access walkway along the seaward edge of the pier; and

3. The required walkways may be located on the 18 foot pier apron required pursuant to subsection 23.60A.456.C.1.

4. If a lot contains a mix of uses that requires public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 75 percent.

B. Public access exceptions

1. On piers or wharf structures that have been reconfigured to allow open water at the landward end of the structure the standards in subsections 23.60A.454.A and 23.60A.454.B may be modified to provide public access that meets the intent of those subsections as determined by the Director;

2. The Director may modify the configuration of the public access required in subsection 23.60A.454.A if a development provides public access that connects to public access north and south of the site around the perimeter of a wharf or pier;

3. The Director may modify the standards of the public access required in subsection 23.60A.454.A if the lot is included in a public access plan approved by the Council and in the City's Capital Facilities Element of the Comprehensive Plan meeting the requirements of Section 23.60A.164; and

4. As an incentive to develop public open space jointly with other permitted public uses on piers or wharf structures, the Director may, as a Type I decision, allow departures from the standards for regulated public access in subsections 23.60A.454.A and 23.60A.454.B under the process and conditions specified in Section 23.60A.460.

23.60A.456 Moorage requirements in the UH Environment

A. Developments in the UH Environment shall offer moorage on a regular basis through:

1. Offering on-site moorage for lease for use by commercial or recreational watercraft;

2. Actively advertising the availability of on-site transient moorage;

3. Using on-site moorage as an integral part of the development's operation; or

4. Complying with subsections 23.60A.456.D or 23.60A.456.E.

B. To facilitate moorage, developments shall provide:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels 100 feet in length;

2. Floats that are at least1,800 square feet with a minimum width of 6 feet for moorage of smaller vessels; or

3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage, developments shall provide:

1. A pier apron of a minimum width of 18 feet on each side and the seaward end of the pier or wharf; and

2. Railings and/or ramps designed to facilitate access to the pier apron or roadway from moored ships and boats.

D. Marinas. Marinas in the UH Environment shall meet the specific development standards in Section 23.60A.200 in lieu of the moorage requirements of subsections 23.60A.456.B and 23.60A.456.C and shall provide transient moorage at the rate of 40 linear feet of transient space for each 1,000 linear feet of permanent moorage space.

E. Exceptions for principal use public shoreline parks and open space uses. The Director may waive or modify the moorage requirements for public shoreline parks and open space uses if:

1. The applicant demonstrates that moorage meeting the demand for recreational vessels is provided within, 1000 feet of the proposed project and is not required for other development; or

2. There is exiting moorage provided by a public shoreline parks and open space use within ¼ mile of the proposed project.

23.60A.460 Incentive for public open space and viewing areas at Colman Dock

A. Applicability. As an incentive to include significant public open space and enhance viewing opportunities in the development of a water dependent passenger terminal at Colman Dock, the Director may, as a Type I decision, allow departures from development standards under conditions specified in this Section 23.60A.460, based on the determination that, relative to the strict application of the standards, the departures will result in substantially improved public access and increased public viewing opportunities. The Director's decision to grant, modify or deny requested departures shall be based on the review of the proposal as a public project by the Seattle Design Commission, and a subsequent determination by the Director that the proposed departures will accomplish the following design objectives:

1. The design and siting of the open space and viewing areas will increase and enhance public access and viewing opportunities in the area relative to a strict application of the prescribed regulated public access and view corridor requirements, and any public access plans that may be in place for the UH environment;

2. The siting and design of the open space and viewing area will better integrate waterfront development with upland areas and improve pedestrian connections between the two areas;

3. Public open space and viewing areas shall be sited and designed to minimize the overall appearance of the bulk of overwater structures and impacts on views from upland streets; and

4. Public open space and viewing areas located above grade shall be visible from Alaskan Way and shall be sited and designed to facilitate easy access from street level, including ADA accessibility and public wayfinding.

B. Allowed departures

1. View corridor requirements. To create a unique viewing environment for observing harbor activity, Elliott Bay, and the City and surrounding natural features, departures from the standards of Section 23.60A.170, View corridors, and Section 23.60A.452, View

corridors in the UH Environment, may be permitted to consolidate required view corridors into a large public view observation area meeting the following conditions:

a. The view observation area is a public open space that, at a minimum, is open along its perimeter to views beyond pier development to the open water of Elliott Bay and the Olympic Mountains; and

b. The view observation area substituting for required view corridors may be located above street level, if the area meets the conditions for regulated public access above street level in subsection 23.40.460.B.2.b.

2. Regulated public access. Departures from the standards of Section 23.60A.164, Standards for regulated public access, and Section 23.60A.454, Regulated public access in the UH Environment, may be permitted if the following conditions are met:

a. The required configuration of regulated public access may be modified to allow a large contiguous open space that is equal to or greater in area than the amount otherwise required by subsection 23.60A.454.B, or approximately 15 percent of the lot coverage, whichever is greater, provided that the open space is easily identifiable as public space, is visible and accessible by the public from the street, has a minimum horizontal dimension of 10 feet, and provides maximum exposure to the bay and surrounding activity, with views of the water along at least 50 percent of the perimeter;

b. The public open space may be located above street level on the rooftops of structures or on terraces at multiple levels, provided that all areas of the open space are accessible to pedestrians from Alaskan Way, with vertical connections between the street level and upper levels designed to facilitate easy access, including ADA access and public wayfinding;

c. Limited coverage of the space may be allowed to accommodate uses and features that activate the space and make it more comfortable and usable in inclement weather. Up to 50 percent of the total open space area may be covered, if at least 50 percent of the perimeter of any covered area is open to views of the water;

d. Efforts should be made to physically and visually link open space providing public access over water to upland streets that provide links to upland areas; and

e. Public access to the space is required, without charge, for a minimum of ten hours each day of the year. The hours of public access shall be during daylight hours, unless there are insufficient daylight hours, in which case the open space shall also be open during nighttime hours for the balance of the hours the open space is to remain open. Public access may be limited temporarily during the hours access is otherwise required to be open to the public for (i) necessary maintenance, (ii) temporary event rentals or concessions that encourage use and enjoyment of the space, or (iii) for reasons of public safety.

Subchapter XIII: The Urban Industrial (UI) Environment

23.60A.480 Applicable standards in the UI Environment

All uses and developments in the UI Environment Shoreline District, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UI Environment.

Part 1 Uses

23.60A.482 Uses in the UI Environment

A. Use regulations

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.

2. Table A and water-dependent and water-related uses

a. Table A and subsections 23.60A.482.C through J apply to waterfront lots.

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.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Uses on upland lots

1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.

2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:

a. Transportation uses that are prohibited on waterfront lots; except for cargo terminals and passenger terminals;

b. Utility uses that are prohibited on waterfront lots except for:

1) Solid waste management that are not water-dependent or water-related excluding solid waste transfer stations; and

2) Recycling uses that are not water-dependent or water-related.

c. High Impact uses that are water-related; and

d. Heavy manufacturing uses, including the extraction and mining of raw materials.

Table A for 23.60A.482
Uses in the UI Environment

Use	Waterfront Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	

Table A for 23.60A.482
Uses in the UI Environment

Use	Waterfront Lots
C.1. Commercial uses WD/WR	P
C.2. Eating and drinking establishments	See subsection 23.60A.482.C
C.3. Entertainment uses	See subsection 23.60A.482.E
C.4. Food processing and craft work uses	See subsection 23.60A.482.C & D
C.5. Laboratories, research and development	See subsection 23.60A.482.D
C.6. Offices	See subsection 23.60A.482.D
C.7. Sales and services, general	See subsection 23.60A.482.C
C.8. Sales and services, heavy	See subsection 23.60A.482.C & D
C.9. Other commercial uses not WD/WR	X
D. HIGH-IMPACT USES	WD/WR
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht boat and beach clubs	See subsection 23.60A.482.F
E.5. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60A.482.C & D
H. PARKS AND OPEN SPACE USES	
H.1 Shoreline park and open space	P
H.2 General park and open space	X
I. PUBLIC FACILITIES	see Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	
M. STORAGE USES	
M.1. Mini-warehouses	See subsection 23.60A.482.D
M.2. Storage, outdoor	See subsection 23.60A.482.D
M.3. Warehouses	See subsection 23.60A.482.C, 23.60A.482.D and 23.60A.482.G
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.482.F
N.3.b. Dry boat storage	P
N.4 Navigational locks	X

Table A for 23.60A.482 Uses in the UI Environment	
Use	**Waterfront Lots**
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD/WR
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.482.H
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	See subsection 23.60A.482.I
O.6. Solid waste management	WD/WR
O.7. Utility service uses	See subsection 23.60A.482.J
P. UTILITY LINES	P

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
WR = Allowed for water-dependent uses; prohibited otherwise
X = Prohibited

C. Limited commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if they meet the standards of subsections 23.60A.482.C.2, 23.60A.482.D, or 23.60A.482.G, and are prohibited otherwise:

a. Eating and drinking establishments, limited to an area equal to no more than 2,500 sq ft and not located within the Duwamish Manufacturing/Industrial Center.

b. Food processing and craft work, limited to material suppliers and repair services;

c. Sales and services, general, limited to grocery suppliers and hardware stores;

d. Sales and services, heavy, limited to material suppliers, repair services fuel suppliers and crane operators;

e. Storage uses, limited to cold storage; and

f. Manufacturing limited to material suppliers and repair services.

2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.482.C.1 shall:

a. Provide a service used by a water-dependent or water-related use located in the same area; and

b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.482.C and subsections 23.60A.482.D and 23.60A.482.E.1 are limited to an area equal to no more than 20 percent of the dry land area of the lot.

3. Permits issued pursuant to this subsection 23.60A.482.C shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.

D. General commercial, storage and manufacturing uses

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:

a. Food processing and craft work;

b. Laboratories, research and development;

c. Offices, limited to offices uses that facilitate water-dependent and water-related uses, such as yacht brokers, finance and insurance, government agencies;

d. Sales and service, heavy, limited to heavy commercial sales, construction services, and building maintenance services. Commercial laundry is prohibited;

e. Storage uses, except that mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center; and

f. Light, general and heavy manufacturing, except the heavy manufacturing use extraction and mining of raw material, which is prohibited.

2. The total of the allowed uses that are not water-dependent or water-related as allowed in subsection 23.60A.482.C, this subsection 23.60A.482.D and subsection 23.60A.482.E.1 occupy an area equal to no more than 20 percent of the dry land area of the lot.

3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site and on adjacent sites.

4. Eating and drinking establishment and mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center.

5. If the site contains a structure meeting the standards of subsection 23.60A.486.B.2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use.

6. The use is part of a development or on a site that includes a water-dependent use; and

7. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided within the same geographic area as the proposed project.

8. Permits issued pursuant to this subsection 23.60A.482.D shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.

E. Entertainment uses

1. The entertainment use of indoor sports and recreation is allowed as a special use if:

a. Located outside the Duwamish Manufacturing/Industrial Center;

b. Located in an existing building;

c. The use does not conflict with the operation of any water-dependent or water-related use on the site or create a safety issue for users of the indoor sports and recreation use;

d. Parking is available to accommodate the use;

e. The total of the allowed uses that are not water-dependent or water-related as allowed in subsections 23.60A.482.C, 23.60A.482.D and this subsection 23.60A.482.E.1 occupy an area equal to no more than 20 percent of the dry land area of the lot;

f. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided within the same geographic area as the proposed project; and.

g. Permits issued pursuant to this subsection 23.60A.482.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.

2. Entertainment uses are allowed as a shoreline conditional use in existing buildings at passenger terminals for cruise ships if:

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;

b. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided within the same geographic area as the proposed project; and

c. The entertainment use does not include adult cabaret, adult motion picture theaters and adult panorams.

3. All other entertainment uses are prohibited.

F. In the Duwamish area, yacht, boat and beach clubs and recreational marinas are allowed as a shoreline conditional use and in Lake Union and the Ship Canal yacht boat and beach clubs and recreational marinas are allowed if:

1. The use does not include an eating and drinking establishment;

2. The use is located where there is no or minimal interference with turning basins, navigation areas for large vessels or other areas that would conflict with shipping;

3. The use is located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and

4. The use is located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of:

a. Shallow water depth; or

b. Inadequate amount of dry land.

G. Existing warehouse uses that are not water-dependent or water-related are allowed but may not expand. New or expanded warehouse uses that are not water-dependent or water-related are prohibited except as provided in subsections 23.60A.482.C and 23.60A.482.D.

H. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

I. Sewage treatment plants are allowed as a Council conditional use if:

1. Located in the Duwamish area;

2. A determination has been made that an alternative design is infeasible and that an alternative location for expanding the sewage treatment plant is infeasible;

3. The plant is set back 60 feet from the line of the OHW mark;

4. Public access is provided along the entire length of the shoreline that is part of the sewage treatment facility, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and

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

J. Utility service uses are allowed if they reasonably require a shoreline location to operate.

23.60A.484 Uses allowed overwater in the UI Environment

A. In addition to uses allowed overwater in Section 23.60A.090, the following uses are allowed overwater in existing buildings or on existing structures, if they are water-dependent;

1. Commercial uses;

2. Light and general manufacturing uses;

3. Cargo and passenger terminals; and

4 Uses specifically allowed at existing passenger terminals pursuant to subsection 23.60A.482.E.

Part 2 Development Standards

23.60A.486 Height in the UI Environment

A. Maximum height. The maximum height is 35 feet, except as provided in subsections 23.60A.486.B through 23.60A.486.D.

B. Height exceptions

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit;

2. The Director may authorize up to 55 feet in the Ballard/Interbay Northend Manufacturing and Industrial Center and up to 80 feet for buildings and other structures in the Duwamish Manufacturing/Industrial Center for the following structures:

a. Structures for water dependent and water-related uses, for uses accessory to a water-dependent or water related uses, and for manufacturing if:

(i) The structure requires additional height because of its intended use; and

(ii) The views from a substantial number of upland residences would not be substantially blocked by the increased height;

b. An accessory structure to a water-dependent or water-related use if:

(i) Allowing the additional height would result in a significant amount of additional usable area for the principal water-dependent or water–related use and/or additional area for ecological restoration and enhancement; and

(ii) No more than 20 percent of the lot area is covered by portions of the structure that exceed the maximum height established in subsection 23.60A.486; and

(iii) The remaining 80 percent of the lot is preserved through a covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; and

(iv) The views from a substantial number of upland residences would not be substantially blocked by the increased height.

C. Rooftop features

1. Radio and television receiving antennas, flagpoles, chimneys, smokestacks, and religious symbols for religious institutions are exempt from height controls, provided:

a. The feature is no closer to any adjoining lot line than 50 percent of its height above existing grade; or

b. If attached to the roof, the feature is no closer to any adjoining lot line than 50 percent of its height above the roof portion where attached.

c. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar collectors may extend 4 feet above the maximum height limit under subsection 23.60A.486.A and 23.60A.486.B where allowed in the underlying zone, except where the width of such

features obstructs the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Stair and elevator penthouses and mechanical equipment may extend 10 feet above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

4. Structures may extend 18 inches above the maximum height limit, including exceptions, if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

D. Bridges. Bridges may exceed the maximum height limit.

23.60A.488 Lot coverage in the UI Environment

The lot coverage limits of the underlying zone shall not be exceeded.

23.60A.490 Shoreline setbacks in the UI Environment

A. A shoreline setback of 60 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 allowed in Section 23.60A.167.

B. A shoreline setback of 15 feet from the OHW mark is required for uses that are 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.

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 the same geographic area as the site is provided.

23.60A.492 View corridors in the UI Environment

A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots, except if water-dependent or water-related uses occupy more than 50 percent of the dry land area of the lot.

23.60A.494 Regulated public access in the UI Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Marinas, except as exempted in subsection 23.60A.200.D;

2. Existing yacht, boat and beach clubs that have facilities over water, that are not water-dependent;

3. Development and uses that are not water-dependent, except

a. Water-related uses that 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; and

b. Development located on private lots in the Lake Union area that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the OHW, and abut a street and/or waterway providing public access;

4. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 50 percent.

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

23.60A.496 Development standards specific to water-related uses on waterfront lots in the UI Environment

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include additional shoreline setbacks from all or a portion of the OHW, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. The additional design constraints in subsection 23. 60A.496.A are not required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

Subchapter XIV: The Urban Maritime (UM) Environment

23.60A.500 Applicable standards in the UM Environment

All uses and developments in the UM Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UM Environment.

Part 1 Uses

23.60A.502 Uses in the UM Environment

A. Use regulations

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.

2. Table A and water-dependent and water-related uses

a. Table A and subsections 23.60A.502.C through H apply to waterfront lots.

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.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Uses on upland lots

1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots, are allowed on upland lots.

2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zone and are allowed, allowed as a conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:

a. Transportation uses that are prohibited on waterfront lots except for:

1) Vehicle storage and maintenance; and

2) Heliports and helistops, which may be allowed as a Council conditional use if:

a) The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:

i. A public facility; or

ii. Located at least 2,000 feet from a residential zone;

b) The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;

c) The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;

d) Open areas and landing pads shall be hard-surfaced; and

e) The use meets all federal requirements, including those for safety, glide angles and approach lanes.

b. Utility uses that are prohibited on waterfront lots, except for recycling uses that are not water-dependent or water-related;

c. High-impact uses; and

d. Heavy manufacturing, including the extraction and mining of raw materials.

Table A for 23.60A.502
Uses in the UM Environment

Uses	Waterfront Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WD/WR	P
C.2. Eating and drinking establishments	See subsection 23.60A.502.C
C.3. Entertainment uses	See subsection 23.60A.502.E
C.4. Food processing and craft work uses	See subsection 23.60A.502.C and 23.60A.502.D
C.5. Offices	See subsection 23.60A.502.D
C.6. Laboratories, research and development	See subsection 23.60A.502.D
C.7. Sales and services, general	See subsection 23.60A.502.C and 23.60A.502.D
C.8. Sales and services, heavy	See subsection 23.60A.502.C and D
C.9. Other commercial uses not WD/WR	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht, Boat and beach clubs	See subsection 23.60A.502.F
E.5 Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60A.502.C and 23.60A.502.D
H. PARKS AND OPEN SPACE USES	
H.1 Shoreline parks and open space	P
H.2 General parks and open space	X

Table A for 23.60A.502
Uses in the UM Environment

Uses	Waterfront Lots
I. PUBLIC FACILITIES	See section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	See subsection 23.60A.502.C and 23.60A.502.D
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.502.F
N.3.b. Dry boat storage	P
N.4 Navigational lock	X
N.5. Parking	X
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.502.G
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.502.H
P. UTILITY LINES	P

KEY
CU = Shoreline Conditional Use

P = Allowed by permit
SU = Special Use
WD/WR = Allowed for water-dependent or water-related uses otherwise prohibited
X = Prohibited

C. Limited commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsection 23.60A.482.C.2 or subsection 23.60.A.482.D, and are otherwise prohibited:

a. Eating and drinking establishments, limited to 2,500 square feet in size;

b. Food processing and craft work, limited to material suppliers and repair services;

c. Sales and services, general; limited to grocery suppliers and hardware stores;

d. Sales and services, heavy; limited to material suppliers, repair services, fuel suppliers and crane operators;

e. Storage uses, limited to cold storage; and

f. Manufacturing, limited to material suppliers and repair services.

2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.502.C.1 shall:

a. Provide a service used by a water-dependent or water-related use located in the same area; and

b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.502.C and subsections 23.60A.502.D and 23.60A.502.E are limited to an area equal to no more than 20 percent of the dry land area of the lot.

3. Permits issued pursuant to this subsection 23.60A.502.C shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.

D. General commercial, storage and manufacturing uses

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:

a. Food processing and craft work;

b. Laboratories, research and development;

c. Offices, limited to offices uses that facilitate water-dependent and water-related uses, such as yacht brokers, finance and insurance, government agencies;

d. Sales and service, heavy, limited to heavy commercial sales, construction services, and building maintenance services; commercial laundry is prohibited;

e. Storage uses; and

f. Manufacturing, except that heavy manufacturing use, extraction and mining of raw materials, is prohibited.

2. The total of the allowed uses that are not water-dependent or water-related as allowed in subsection 23.60A.502.C and this subsection 23.60A.502.D occupy an area equal to no more than 20 percent of the dry land area of the lot.

3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site or on adjacent sites.

4. The use is located in the structure that contains accessory uses for the water-dependent and water-related use if the site contains a structure meeting the standards of subsection 23.60A.506.B.2.

5. The use is part of a development or on a site that includes a water-dependent use;

6. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided within the same geographic area as the proposed project; and

7. Permits issued pursuant to this subsection 23.60A.502.D shall identify the specific uses and gross floor area of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.

E. Entertainment uses. The entertainment use of indoor sports and recreation is allowed as a special use if:

1. Located outside the Duwamish Manufacturing/Industrial Center;

2. Located in an existing building;

3. The use does not conflict with the operation of any water-dependent or water-related use on the site or create a safety issue for users of the indoor sports and recreation use;

4. Parking is available to accommodate the use;

5. The total of the allowed uses that are not water-dependent or water-related as allowed in subsections 23.60A.502.C, 23.60A.502.D and this subsection 23.60A.502.E.1 occupy an area equal to no more than 20 percent of the dry land area of the lot;

6. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided within the same geographic area as the proposed project; and

7. Permits issued pursuant to this subsection 23.60A.502.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection and the other uses that satisfy the 20 percent dry lot area requirement.

F. Recreational marinas are allowed and yacht, boat and beach clubs are allowed as a shoreline conditional use, if:

1. The use does not include an eating and drinking establishment, except as allowed pursuant to subsection 23.60.482.C;

2. Located where there is no or minimal interference with turning basins, navigation areas for large vessels or other areas that would conflict with shipping;

3. Located so as to not conflict with manufacturing uses due to dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and

4. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of an inadequate amount of dry land.

G. Minor communication utilities are allowed, except freestanding transmission towers, which are prohibited.

H. Utility service uses are allowed if they reasonably require a shoreline location to operate.

23.60A.504 Uses allowed overwater in the UM Environment

A. In addition to uses allowed overwater in Section 23.60A.090, the following uses are allowed overwater if the standards of subsection 23.60A.504.B are met:

1. Commercial uses;

2. Light and general manufacturing;

3. Colleges, vocational schools and institutes for advanced study;

4. Passenger terminals;

5. Office uses accessory to a water-dependent or water-related use located on the same lot; and

6. Storage uses accessory to a water-dependent use located on the same lot.

B. Standards required for uses listed in subsection 23.60A.504.A are as follows:

1. The depth of the dry land area of the lot is less than 50 feet;

2. The location of the uses on dry land is not reasonable;

3. The use is on or in an existing structure;

4. There is no increase in overwater coverage; and

5. The uses allowed under subsection 23.60A.504.A.1 through 4 shall be:

a. Water-dependent;

b. Water-related and accessory to a water-dependent use on or in the structure; or

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.

C. In addition to the uses allowed overwater in Section 23.60A.090, the following uses are allowed over water if they are not water-dependent or water-related and if the requirements of subsection 23.60A.504.D are met;

1. Custom and craft work;

3. Storage uses, except as allowed in subsection 23.60A.504.A;

5. Food processing; and

6. Light, general and heavy manufacturing, except the extraction and mining of raw materials.

D. Standards required for uses listed in subsection 23.60A.504.C are as follows:

1. The dry land lot depth is less than 50 feet;

2. The location of the use on dry land is not reasonable;

3. The use is on or in an existing structure;

4. There is no increase in overwater coverage;

5. The total of all non water-dependent uses does not exceed 10 percent of the lot including submerged land; and

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.

Part 2 Development Standards

23.60A.506 Height in the UM Environment

A. Maximum height. The maximum height in the UM Environment is 35 feet, except as modified in subsections 23.60A.506.B through 23.60A.506.D.

B. Height exceptions for water-dependent uses. The following height exceptions apply to water-dependent uses in the UM Environment:

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit; and

2. Other structures required for uses that are accessory to a water-dependent or water-related use, including but not limited to accessory office, accessory warehouse and accessory manufacturing facilities may be authorized up to 55 feet in the Ballard/Interbay Northend Manufacturing and Industrial Center by the Director if:

a. The accessory structure requires additional height because of its intended use; or

b. Granting additional height for the accessory structure would result in a significant amount of additional usable area for the principal water-dependent use, water-related use and/or additional area for ecological restoration and enhancement; and

c. No more than 20 percent of the lot area is covered by portions of the structure that exceed the maximum height limit established in subsection 23.60A.506.B;

d. The remaining 80 percent of the lot is preserved by covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; and

e. The views of the shorelines from a substantial number of residences on areas within and adjoining the Shoreline District would not be obstructed by the increased height.

C. Rooftop features

1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and religious symbols for religious institutions are exempt from height controls of this Chapter 23.60A, provided:

a. The feature is no closer to any adjoining lot line than 50 percent of its height above existing grade; or

b. If attached to the roof, the feature is no closer to any adjoining lot line than 50 percent of its height above the roof portion where attached; and

c. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar collectors may extend up to 4 feet above the maximum height limit where allowed in the underlying zone, except where the width of such features obstructs the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may require a lower height.

3. Stair and elevator penthouses and mechanical equipment may extend 10 feet above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District, in which case the Director may require a lower height.

4. Structures may extend 18 inches above the maximum height limit if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

D. Bridges. Bridges may exceed the maximum height limit.

23.60A.508 Lot coverage in the UM Environment

A. Waterfront lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than 50 percent of the submerged portion of a waterfront lot, except as modified by subsection 23.60A.508.C;

2. Structures shall not occupy more than 75 percent of the dry land portion of a waterfront lot.

B. Upland lots. The lot coverage limits of the underlying zone shall not be exceeded.

C. Lot coverage exceptions

1. Structures, including floats and piers, may occupy up to 65 percent of the submerged portion of a waterfront lot that has a depth of less than 50 feet of dry land.

2. Dry docks may cover up to an additional 25 percent of submerged land for a maximum lot coverage of 75 percent of all uses combined.

23.60A.510 Shoreline setbacks in the UM Environment

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.

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.

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 the same geographic area as the site is provided.

23.60A.512 View corridors in the UM Environment

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. The required view corridor width shall be reduced to 15 percent of the width of the lot if water-dependent uses occupy more than 40 percent of the dry land area of the lot.

C. View corridor reductions. The required width of the view corridor may be reduced by 5 percent for each of the following conditions, provided that such reduction does not result in a view corridor of less than 15 feet:

1. The required view corridor is provided entirely in one location;

2. A view corridor of at least one-half the required width abuts a lot line that separates the lot from a street, waterway, or public park;

3. A view corridor of at least one-half the required width abuts a view corridor provided on the adjacent property.

D. Viewing area substitution. In lieu of the required view corridor, developments that are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot that is easily accessible;

2. The viewing area shall provide a clear view of the activities on the lot and the water;

3. The viewing area shall have a minimum area of 150 square feet; and

4. The conditions of Section 23.60A.164 for public access relating to accessibility, signs, and availability apply.

23.60A.514 Regulated public access in the UM Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Marinas, except as exempted in subsection 23.60A.200.D;

2. Existing yacht, boat and beach clubs that have facilities that are not water-dependent over water;

3. Development and uses that are not water-dependent, except

a. Water-related uses that 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; and

b. Development located on private lots in the Lake Union area that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the OHW, and abut a street and/or waterway providing public access; except that

4. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 50 percent.

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

23.60A.516 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay

Structures located between the Pierhead Line and the Construction Limit Line 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.

Subchapter XV: The Urban Residential (UR) Environment

23.60A.520 Applicable standards in the UR Environment

All uses and developments in the UR Environment, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60A and to the standards for the UR Environment.

Part 1 Uses

23.60A.540 Uses in the UR Environment

A. Use regulations

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.540 and Table A for 23.60A.540. 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.540.

2. If Table A for 23.60A.540 or text of Section 23.60A.540 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.540
Uses in the UR Environment

Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE	X	X
A.1 Community Garden	P	P
A.2. Other agricultural and forest practice uses	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES	X	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES	See subsection 23.60A.540.B	P
F. LIVE-WORK UNITS	X	X
G. MANUFACTURING USES	X	X
H. PARKS AND OPEN SPACE USES		
H.1 Shoreline	P	P
H.2 General	X	P
I. PUBLIC FACILITIES	See Section 23.60A.207	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210	See Section 23.60A.210
K. RESIDENTIAL USES		
K.1. Accessory dwelling unit	X	P
K.2. Adult family homes	X	P
K.3. Artist studio/dwelling	X	P
K.4. Assisted living facilities	X	P
K.5. Congregate residences	X	P
K.6. Detached accessory dwelling unit	X	X
K.7 Domestic Violence Shelter	X	X
K.8. Floating homes and moorages	See subsection 23.60A.540.C	See subsection 23.60A.540.C

Table A for 23.60A.540
Uses in the UR Environment

Uses	Waterfront Lots	Upland Lots
K.9. Mobile park home	X	X
K.10. Multifamily residences	P	P
K.11. Nursing homes	X	P
K.12. Single-family dwelling units	P	P
K.13 Other residential uses	X	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	See Section 23.60A.211
M. STORAGE USES	X	X
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	See subsection 23.60A.540.D	P
N.2. Cargo terminals	X	X
N.3. Moorage		
N.3.a. Boat moorage		
N.3.a.1. Commercial marina	X	X
N.3.a.2. Recreational marina	X	X
N.3.b. Dry boat storage	X	X
N.4 Navigational locks	X	X
N.5. Parking		
N.5.a. Parking, principal use	X	X
N.6. Passenger terminal	X	X
N.7. Rail transit facilities	P	P
N.8. Transportation facilities, air	X	X
N.9. Vehicle storage and maintenance	X	X
N.10. Tugboat services	X	X
N.11. Railroads	SU	P
N.12. Streets	P	P
O. UTILITY USES		
O.1. Communication utilities, minor	X	X
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60A.540.E	See subsection 23.60A.540.E
P. UTILITY LINES	P	P

KEY
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise
WR = Allowed for water-related uses; prohibited otherwise
X = Prohibited

B. Community clubs that are yacht, boat and beach clubs, and community centers or clubs that provide outdoor parks and recreation shoreline uses are allowed as a special use. All other institutional uses are prohibited.

C. New floating homes and floating home moorages are prohibited except as provided in Section 23.60A.202; accessory uses to floating homes, including storage, are allowed on waterfront lots if located 35 feet or more landward of the OHW mark and on upland lots.

D. Bridges and tunnels containing rail transit facilities that are approved by the City Council under subsection 23.80.004.C.2 are allowed. Bridges containing other rail transit facilities, railroads or streets are allowed as a special use.

E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Part 2 Development Standards

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, 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 SW from SW Leon Place to 59th Avenue SW is 60 feet.

B. Pitched roofs. The ridge of a pitched roof on a principal structure, including projections to accommodate windows, may extend 5 feet above the maximum height allowed, as provided in the underlying zone or special district.

C. Rooftop features

1. Radio and television receiving antennas, flagpoles, chimneys and religious symbols for religious institutions are exempt from the height limit, provided:

a. The feature is no closer to any adjoining lot line than 50 percent of its height above existing grade; or

b. If attached to the roof, the feature is no closer to any adjoining lot line than 50 percent of its height above the roof portion where attached; and

c. The width of the feature does not obstruct the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar collectors may extend 4 feet above the maximum height allowed as provided in the underlying zone or special district, except where the width of such features obstructs the view of the shoreline from a substantial number of residences on areas within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

3. Stair and elevator penthouses, mechanical equipment, play equipment and open-mesh fencing that encloses it, if located at least 5 feet from the roof edge, may extend 10 feet above the maximum height limit if:

a. The combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed .

4. Structures may extend 18 inches above the maximum height limit if the roof insulation exceeds the energy code requirements in effect when the structure is constructed.

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

23.60A.574 Lot coverage in the UR Environment

A. Structures, including floats and piers, shall not occupy more than 35 percent of a lot except as provided in subsection 23.60A.574.B.

B. Lot coverage exceptions.

1. Floating home moorages are subject to the lot coverage provisions in Section 23.60A.202.

2. On single-family zoned lots the maximum combined lot coverage allowed for principal and accessory structures on dry land is as follows:

Table A for 23.60A.574 Lot coverage in the UR Environment	
Lot Size	Maximum Coverage Allowed
Less than 5,000 sq. ft.	1,000 sq. ft. plus 15 percent of lot area
5,000 sq. ft. or more	35 percent of lot area

3. On multifamily zoned lots, the maximum lot coverage allowed by the underlying zone or special district shall apply to the dry land portion of the lot.

23.60A.575 Shoreline setbacks in the UR Environment

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:

1. The minimum necessary for:

a. Single-family dwelling units allowed pursuant to subsection 23.60A.282.E; and

b. One pedestrian pathway per single-family dwelling or for each 10 multifamily dwelling units, limited to 3 feet wide and constructed of pervious surface.

2. More than 15 feet landward of the OHW mark for one on-grade patio per single-family dwelling unit limited to 45 square feet.

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 the same geographic area as the site is provided.

23.60A.576 View corridors in the UR Environment

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

B. View corridors are not required for single-family dwelling units.

23.60A.578 Regulated public access in the UR Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments, except as modified by subsection this 23.60A.578.A:

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;

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;

3. Marinas, except as provided in subsection 23.60A.200. D; and

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 more than 50 percent of product or materials by water, or the need for large quantities of water.

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

Subchapter XVI Definitions

23.60A.900 Definitions generally

A. For the purpose of this Chapter 23.60A, certain words and phrases are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapter 23.84A, which are also applicable to this Chapter 23.60A and to the definitions in Chapter 25.09, which are incorporated by reference in Section 23.60A.156. In the event that a definition in this Chapter 23.60A differs from a definition of the same term in Chapter 23.84A, the definition in this Chapter 23.60A shall apply in the Shoreline District.

B. Except as provided in subsection 23.60A.900.A, words or phrases used in this Chapter 23.60A shall be interpreted so as to give them the meaning they have in common usage.

23.60A.902 Definitions -- "A"

"Aquatic noxious weeds" means aquatic noxious weeds as defined in RCW 17.26.020.

"Aquatic rotovator" means a rotary tiller that has underwater rototiller-like blades used to uproot aquatic plants.

"Artificial reef" means a submerged human-made structure developed for the purpose of enhancing recreational diving or creating habitat for marine life.

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water in freshwater and mean higher high water in marine waters..

23.60A.904 Definitions -- "B"

"Best available science" means the science and technical information requirements described in WAC 173-26-201(2)(a).

"Best management practices" means actions or techniques that have consistently shown results superior to those achieved with other means and that are taken to avoid, minimize and reduce the impacts to habitat ecological functions.

"Boat or Beach Club." See "Yacht club."

"Boat moorage" means a recreational or commercial marina or moorage accessory to a residential use.

"Boat yard." See "Vessel repair, minor."

"Boating facility, multifamily" means a system of piers and floats designed to moor vessels to serve residential development of 5 or more units.

"Bottom barrier" means sheets of material, composed of synthetic or natural fibers, used to cover and kill plants growing on the bottom of a water body by depriving plants of sunlight.

"Breakwater" means a protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

"Bridge" means a structure carrying a path, street, railway or rail transit over water, including necessary support and accessory structures.

"Bulkhead" means a retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.

23.60A.906 Definitions -- "C"

"Cargo terminal" means a "transportation facility" use in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

"Central Waterfront Landmark Area" means all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 along Seattle's downtown waterfront.

"Critical Root Zone" means the area on the ground surrounding a tree that is one and one-half times the maximum diameter of the tree's canopy or 20 times the DBH, whichever is greater.

"CM" means the Conservancy Management shoreline environment.

"CN" means the Conservancy Navigation shoreline environment.

"Commercial use" means the following uses:

-- Animal shelters and kennels;

-- Eating and drinking establishments;

-- Entertainment uses;

-- Food processing and craft work uses;

-- Laboratories, research and development;

-- Lodging;

-- Medical services;

-- Offices;

-- Sales and service uses, automotive;

-- Sales and services, general;

-- Sales and service uses, heavy;

-- Sales and services, marine.

"Conditional use" means a use identified in this Chapter 23.60A as requiring specific approval by either Ecology (shoreline conditional use) or the City Council (Council conditional use).

"Constructed" means the process of creating or undertaking development including but not limited to construction of structures, associated site work, installation of on-site utilities, and re-establishment of disturbed areas.

"CR" means the Conservancy Recreation shoreline environment.

"Critical area." See "Environmentally critical area."

"CP" means the Conservancy Preservation shoreline environment.

"Custom craft work" in addition to the definitions in subsection 23.60A.84. A custom craftwork in the Shoreline District includes wooden boat building and is a water-related use.

"CW" means the Conservancy Waterway shoreline environment.

23.60A.908 Definitions -- "D"

"DBH" means tree diameter at breast height and is the method to measure the size of a tree.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to this Title 23 at any water level.

"Development site, waterfront" means a waterfront lot or lots on which a proposed development will occur.

"Development standards" means regulations pertaining to the physical modification of the environment for development, a shoreline modification, or a use, including the size and location of structures in relation to the lot.

"Development, Substantial." See "Substantial development."

"Director" means the Director of the Department of Planning and Development.

"Dock" means an artificial side of a harbor or bank of a river for mooring ships, also described as a shipping or loading platform.

"Dredging" means the removal or displacement of sand, silt, gravel, or other submerged materials, from the bottom of water bodies, riparian watercourses, or natural wetlands. Support activities and operations, including but not limited to the collection and transfer of dredged materials, are included in this definition. Dredging does not include removal of riprap and incidental grading when shoreline stabilization is replaced if the water depth does not increase when compared to pre-project conditions. The placement of dredged materials into water bodies,

riparian watercourses or natural wetlands is “fill” and regulated under Sections 23.60A.172 and 23.60A.184.

"Dry land" means land at an elevation above the line of ordinary high water in freshwater or mean higher high water in marine water.

"Dry boat storage" means a “parking and moorage” use, in which space on a lot on dry land, either open or inside a structure, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats.

“Dry dock” means any method or mechanism by which a vessel can be removed from the water for the purpose of viewing, working on or painting the underwater portions of the vessel. Dry docks include:

“Marine railway dry dock” means a place where a vessel is tied to a carriage which is then pulled out of the water on an inclined railway usually with winches. The rails are spaced far enough apart to provide stability of the carriage with a vessel on it.

“Floating dry dock” means a strong decked barge that is submerged by filling it with water. A vessel is floated over the submerged barge which is then pumped out to lift the barge deck clear of the water with the vessel sitting high and dry. The wing walls provide enough flotation to prevent sinking all the way to the bottom.

“ Synchrony-lift dry dock” means a stiffened deck or barge like structure that is lifted out of water by lifting mechanisms such as winches or jacks operating synchronously.

“Travel-lift” means a motorized device like a lumber carrier which drives over water on two adjacent docks straddling the water. A boat in the water between the two docks is raised out of the water by straps attached to winches. The travel lift then drives to an upland site to set the boat down on blocks on land.

“Duwamish” means the area of the Duwamish River from the south city limits north to South Massachusetts Street on the east side and Southwest Florida on the west side, and including Harbor Island and the East and West Duwamish Waterways.

23.60A.910 Definitions -- "E”

"Earth material" means unprocessed substances that come from the earth.

"Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

"Ecological restoration and enhancement." See "restoration and enhancement."

"Ecology" means the Washington State Department of Ecology.

"Elliott Bay" means the Shoreline District area from 24th Avenue West to SW Atlantic Street, except the Harborfront, Harbor Island and the Duwamish Waterways.

"Emergency" means an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time period too short to allow full compliance with this Chapter 23.60A. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Director to be the appropriate means to address the emergency situation.

"Environmentally critical area" means wetlands, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas as designated in Section 25.09.020 and located in Section 25.09.030, as incorporated by reference into Section 23.60A.156.

"Essential public facilities" means those public facilities identified as potential essential public facilities in Section 23.84A.012.

"Existing," when modifying a use that is either to determine whether that use is allowed, allowed as a special use or conditional use, prohibited or to determine what standards apply to the use:

1.Means a use that both (a) was a lawful use when the use was established; and (b) has not been discontinued for more than 12 consecutive months in the CN, CP, CR, CM, CW,

UR, UH and UC Environments or more than 24 consecutive months in the UM, UG or UI Environments.

2. A use is considered discontinued if:

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

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

3. The use of the structure is considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one or more vacant dwelling units is not considered vacant and the use is not considered to be discontinued unless all units in the structure are vacant.

"Extreme low tide" means the lowest line on land reached by a receding tide.

23.60A.912 Definitions -- "F"

"Fair market value" of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

"Fairway" means all navigable waters within the corporate limits or within the jurisdiction and control of the City, except waters over privately owned or privately controlled property, including but not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

A. All of Elliott Bay lying easterly of a straight line drawn from Alki Point to West Point;

B. All of the East and West Waterways;

C. All of the Duwamish River;

D. All of the Duwamish Waterway Project;

E. All of Salmon Bay;

F. All of Portage Bay;

G. All of the Lake Washington Ship Canal, including that portion which is under the supervision and control of the United States;

H. All of Lake Union;

I. All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction and control of the City;

J. All of that portion of Shilshole Bay lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the City with the outer harbor line;

K. All of that portion of Puget Sound lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the City with the outer harbor line.

"Feasible" means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

2. The action provides a reasonable likelihood of achieving its intended purpose; and

3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Chapter 23.60A requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Feeder bluff" means the eroding bluffs that provide the majority of sediment to Puget Sound beaches and littoral cells.

"Feedlot" means an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops, or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHW mark or in riparian watercourses or in wetlands in a manner that raises the elevation or creates dry land.

"Float" means a floating platform similar to a pier that is anchored or attached to pilings. A float attached to a pier shall be considered part of the pier. "Float" when it is used in connection with a vessel repair use includes a floating platform used as a work platform to work on a vessel dock or pier. "Float" when it is used in connection with a floating home means those elements that provide the buoyancy necessary to keep the floating home above the water.

"Floating home" means a structure designed as a dwelling unit constructed on a float that is moored, anchored or otherwise usually secured in waters, and is not a vessel, even though it may be capable of being towed.

"Floating home moorage" means a residential use consisting of a waterfront facility for the moorage of one or more floating homes and the land and water premises on which the facility is located.

"Floating home moorage walkway" means the pier, float(s) or combination of pier and float(s) designed and used to give pedestrian access from the land to floating home sites at a floating home moorage. Ramps that provide access to individual floating homes are not floating home moorage walkways.

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one floating home.

"Freeboard" means the height of the main deck above the water line. Where the threshold of the main entrance to the structure is above the main deck, the freeboard is measured to the threshold of the main entrance.

"French drain effect" means redirecting surface and/or groundwater away from an area.

"Freshwater" means the water bodies with little or no dissolved salts and include riparian water courses, Bitter and Haller lakes, Green Lake, Lake Washington, Montlake Cut, Portage Bay, Lake Union, the Lake Washington Ship Canal, and Salmon Bay ending at the Hiram M. Chittenden Locks.

"Forest Practice" means any activity conducted on or directly pertaining to forest land (land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing) and relating to growing, harvesting, or processing timber or forest biomass.

23.60A.914 Definitions -- "G"

"Geographic area" means one of seven defined geographic areas within Seattle as follows: Lake Washington North, Lake Washington South, Lake Union and the Ship Canal, Elliott Bay, the Duwamish River, Puget Sound North, and Puget Sound South.

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes:

1. a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions; and

2. recommendations regarding:

a. the effect of the proposed development, shoreline modification, or use on geologic conditions;

b. the adequacy of the site to be developed;

c. the impacts of the proposed development or use;

d. alternative approaches to the proposed development or use; and

e. measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development or use, including the potential adverse impacts to adjacent and down-current properties.

Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

"Grading" means excavation, filling, in-place ground modification, removal of roots or stumps that includes ground disturbance, stockpiling of earth materials, or any combination thereof, including the establishment of a grade following demolition of a structure landward of the OHW mark.

“Graving Dock” means a structure forming a basin from which water can be pumped out for the purpose of building ships or for repairing a ship below its waterline.

"Groin" means a wall-like structure built seaward from the ordinary high water mark or mean higher high water to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.

23.60A.916 Definitions -- "H”

“Habitat unit” means a metric used to measure the ecological function of a geographic area. Habitat units are based on the combined quality of the existing habitat features, such as shallow water habitat and shoreline vegetation, of a geographic area.

“Harborfront” means the area in the Shoreline District from Bay Street on the north to South Jackson Street on the south.

“Hard stabilization. ” See “Shoreline stabilization.”

“Heat exchanger” means a device that uses water to cool a structure and discharges warm water into a water body.

"Historic ship" means a structure that was designed and used as a vessel, whether currently able to move under its own power or not, that has been designated by the Landmark

Preservation Board as historic or listed on the National Register of Historic Places. Historic ships that do not have a means of self-propulsion and steering equipment are regulated as vessels.

"House barge" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability.

“House height” means the distance from the main deck to the top of the roof.

“Hyporheic zones” means a region beneath and lateral to a water body where there is exchange of shallow groundwater and surface water and nutrients and fauna.

23.60A.918 Definitions -- "I”

“Impervious surface management” means altering the amount or location of areas that do not allow water to infiltrate into the surface of the earth or repairing or maintaining such areas.

“Infeasible” See “Feasible” and Section 23.60A.043.

“Intake” means a structure that is part of a utility line that brings in water from a freshwater or saltwater environment. See “Utility line”.

“Interior vessel repair” means maintenance and repair activities confined to the enclosed areas of a vessel and that are not exposed to the elements.

“Interpretive signs” means on-premise signs describing a natural or historic feature on the same site as the sign or seen from the site.

23.60A.920 Definitions -- "J”

"Jetty" means an artificial barrier perpendicular to the shoreline that changes the natural littoral drift.

23.60A.922 Definitions -- "K”

Reserved.

23.60A.924 Definitions -- "L”

“Lake Union area” means the area from the western portion of the Fremont Bridge to the eastern portion of the I-5 Bridge.

“Lake Union and the Ship Canal” means the geographic area that includes the Shoreline District between the Montlake Bridge and the Hiram Chittenden Locks including Lake Union.

"Lake Washington, North" means the geographic area from the middle of the Montlake Cut to the northern City limit.

"Lake Washington, South" means the geographic area from the middle of the Montlake Cut to the southern City limit.

"Land disturbing activity" means any activity that results in a movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) or the existing topography. Land disturbing activities include, but are not limited to, clearing, grubbing, grading, filling, compaction, excavation, or addition or replacement of impervious surface.

"Landfill" means sand, soil, gravel or other material deposited landward of the OHW mark and not in riparian corridors or in wetlands; see "Fill".

"Light transmitting feature" means a surface that allows ambient light to pass through the surface such as grating on a deck or translucent material for roof or decking.

"Live-aboard or live-aboard use" means a use that meets the definition of "live-aboard vessel."

"Live-aboard vessel" means 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.

"Lot coverage" means that portion of a lot occupied by the principal building, accessory buildings and development including impervious surface, piers, floats and dry-docks, expressed as a percentage of the total lot area.

"Lot depth" means the distance between the ordinary high water mark and the street right-of-way.

"Lot, upland" means a lot wholly or partly within the Shoreline District that is separated from the water by a street, arterial, highway, railroad right-of-way or government-controlled property that prevents access to and use of the water.

"Lot, upland through" means an upland lot wholly or partly within the Shoreline District that extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

"Lot, waterfront" means a lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District that is not separated from the water by a street, arterial, highway, railroad right-of-way, or government-owned or controlled property that prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot that was an upland lot because of the existence of such right-of-way into a waterfront lot.

For purposes of determining the appropriate use and development standards applicable to developments in railroad or street rights-of-way, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

23.60A.926 Definitions -- "M"

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions, as of the effective date of this ordinance:

-- Light manufacturing;

-- General manufacturing;

-- Heavy manufacturing.

"Marina" means both marina, commercial and marina, recreational.

"Marina, commercial" means a use in which a system of piers, buoys, or floats is used to provide moorage for:

1. Sale, or rent usually on a monthly or yearly basis, for commercial vessels, where commercial vessels occupy 75 percent or more of the moorage;

2. Commercial vessels moored for the operation of commercial businesses; or

3. Commercial or recreational vessels undergoing repair by commercial businesses. Minor vessel repair, haul-out, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

"Marina, recreational" means a use, in which a system of piers, buoys, or floats is used to provide moorage for sale or rent, usually on a monthly or yearly basis. Recreational vessels occupy 75 percent or more of the moorage. Minor vessel repair, haul-out, dry boat storage and other services are also often accessory to or associated with the use.

"Marine service station" means a marine sales and service use in which fuel for boats is sold, and in which accessory uses, including but not limited to towing or minor vessel repair, may also be provided.

"Master Program." See "Shoreline Master Program."

"May" means the action is acceptable, provided it conforms to the provisions of this Chapter 23.60A.

"Mean higher high water (MHHW)" means the tidal elevation determined by averaging the higher of each day's two high tides at a particular location over recorded history.

"Mean lower low water (MLLW)" means the 0.0 tidal elevation determined by averaging the lower of each day's two low tides at a particular location over recorded history.

"Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of mechanical harvesters that cut and collect aquatic plants, and mechanical cutters that only cut aquatic plants.

"Mitigation" means the action taken to minimize, rectify, reduce or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from new development or use, or from maintaining, repairing or altering existing development or use that creates new adverse impacts to ecological functions, or from substantially improving, replacing or rebuilding a nonconforming development. Loss of ecological functions may be due to, but not limited to, location, design, construction and management of the development or use.

Mitigation sequencing means the steps taken to avoid, minimize, rectify, reduce or eliminate adverse impacts over time and/or compensate for the loss to ecological functions, as specified in subsection 23.60A.158.B.1, so that mitigation achieves no-net-loss to ecological functions.

"Moorage, covered" means a pier and pier structures or system of floating or fixed access-ways covered with a roof, to which boats on water may be secured.

"Moorage, open wet" means an uncovered pier and pier structures or system of floating or fixed access-ways to which boats on water may be secured.

"Moorage, transient" means moorage available to the public, generally for a fee, on a short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

"Mudflat" means a coastal wetland consisting of fine-grained silt or organic matter that is covered at high tide and exposed at low tide.

23.60A.928 Definitions -- "N"

"Native vegetation" means a species that has occurred within the City limits of Seattle since the 18th century AD based on the science and technical information requirements described in WAC 173-26-201(2)(a) or best professional judgment.

"Natural area" means an area that is predominately vegetated with native or wild-growing vegetation.

"Navigational aid" means a structure used to guide or position ships and boats or to warn of navigational hazards, including but not limited to buoys, beacons, and light towers.

"No net loss of ecological functions" means no degradation to habitat, including the habitat forming processes, after project impacts and mitigation for the project impacts occur.

"Non-native aquatic species" means species for which Seattle is not within their natural range or within their natural dispersion area or species that have been brought to Seattle from another region, state or country.

"Non-motorized boat landing area" means an area designed to allow vessels without motors to land on dry land and is not designed to include a launching site for non-motorized vessels.

"Non-structural stabilization." See "Shoreline stabilization."

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

"Normal and routine pruning and maintenance" means practices that are necessary to maintain existing pathways and landscaping, ensure the health of existing vegetation, or achieve limited pruning to allow windowing, reduce tree mass or redirect tree growth. Removal of trees and non-invasive vegetation is never considered normal and routine maintenance. Pruning actions must conform to the ANSI A300 standards outlined in The American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices.

"Normal appurtenance" means structures usually related to a primary structure or use, including garages; decks; driveways; utilities; septic tanks, and grading that does not exceed 250 cubic yards and that does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

"Noxious weed" means weeds listed by the King County Noxious Weed Control Board.

23.60A.930 Definitions -- "O"

"Ordinary high water mark", abbreviated "OHW mark," means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the Director or Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high

water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

"Overall length" is the length of the hull structure. It does not include elements such as bow sprits or figureheads.

"Overwater structure," as used in Section 23.60A.187, means walkways, projections, open bottom boat lifts and jet ski lifts associated with piers and floats.

"Outfall" means a structural part of a utility line that discharges to a freshwater or saltwater environment. See "Utility line."

23.60A.932 Definitions -- "P"

"Parking and moorage" is a transportation facility use and includes the following uses:

Boat moorage; and

Dry boat storage.

"Parks and open space, general" means land and/or water area predominantly undeveloped that is set aside to provide park and recreational opportunities, conserve natural resources, or structure urban development and form.

"Parks and open space, shoreline" means land and/or water area with its surface open to the sky or predominantly undeveloped that is set aside to provide park and recreational opportunities, conserve natural resources, or structure urban development and form and is limited to natural athletic fields with no lighting, bath houses, bicycle and pedestrian paths, concession stands without permanent structures, fishing piers, hand-carried boat launches, interpretive displays, motorized boat launch areas, non-motorized boat landing areas, pavilions, seating, viewpoints, swimming beaches, swimming floats, and underwater diving areas.

"Pier" means a structure resting on columns or piles extending from shore into a body of water for use as a place to secure vessels, or as a promenade, or to protect or form a harbor. If a pier is accessory to a single-family residential structure, "pier" means a structure for swimming or for landing and open wet moorage of watercraft accessory to a single-family use.

"Pier, finger or spur" means a minor extension from a primary pier.

"Pier, fixed" means a pier with the deck attached to the pilings in a manner that does not permit changes in the height of the deck.

"Pier, floating" means a pier with the deck is attached to the pilings in a manner that allows the deck to float at the level of the water.

"Practical" means an effective and tested action or a realistic approach to the particular circumstance based on site conditions and the intended use of a site.

"Portage Bay" means the water area from the I-5 Bridge to the Montlake Bridge.

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

1. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

3. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

"Projection" means a finger, ell, or spur piers, angled extensions, floating pier extensions, platforms, and platform-style or closed-bottom-style boat and jet ski lifts.

"Provisions" means policies, regulations, standards, guideline criteria or shoreline environment designations.

"Puget Sound, North" means the geographic area between the north boundary of Elliott Bay and the northern City limit.

"Puget Sound South." means the geographic area between the south boundary of Elliott Bay and the southern City limit.

"Public access facility" means an area that provides public access to the shoreline by a public agency.

"Public Access Plan" means a plan that serves as a portion of the public access planning for access to shorelines on public property if the plan meets the provisions of WAC 173-26-221(4) and if developed through an open public process as provided in WAC 173-26-201(3)(b)(i) and is approved under subsection 23.60A.164.K.

"Public access, regulated " means providing a viewpoint and/or physical approach to public waters, through walkways, corridors, parks, transient moorage or other areas, by a property owner, as regulated by this Chapter 23.60A.

"Public agency" means a unit of general or special purpose government.

"Public facility" means a facility owned, operated or franchised by a unit of general or special purpose government for public purposes and includes a shoreline parks and open space use provided by a public agency.

"Public Improvement Plan" means a plan that provides standards for allowing public facility uses that are not water-dependent or water-related. When determining the required standards WAC 173-26-241(3)(d) and 173-26-241(3)(f) shall be met, as appropriate for the type of public facility proposed and improved open space and waterfront connections, aesthetic quality and/or safety for the public shall be included . A "Public Improvement Plan" is not a "Port Improvement Plan".

"Public open space" see "public facility."

"Puget Sound" means the shoreline area within the City limits except the Shilshole area, Elliott Bay, the Harborfront and the Duwamish Waterways.

23.60A.933 Definitions – "Q"

"Quay" means a landing place on a coast or river bank or harbor at which vessels are loaded and unloaded.

"Queuing area," means an enclosed or unenclosed space provided for the temporary holding of vehicles prior to loading for over-water transport.

23.60A.934 Definitions -- "R"

"Railroad" means a public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

"Reasonable" or "reasonably" means its common usage except as provided below:

1. If the regulations of this Chapter 23.60A require that an action be reasonable in connection with determining mitigation measures, environmental impacts, other adverse impacts, or alternative development, "reasonable" means that the action will allow a proposal to attain or approximate its objectives with the least impact to ecological function in consideration of the costs and alternatives. When considering the cost of an action, the cost of the action is compared to the nature of the project not to the personal financial status of the applicant.

2. If the regulations of this Chapter 23.60A require that an action be reasonable in determining location, "reasonable" means that a location can accommodate the proposal's objectives at the lowest level of impact to ecological function in consideration of the environmental, social and economic impacts on the public and the cost to the applicant. When considering the cost of an action, the cost of the action is compared to the nature of the project not to the personal financial status of the applicant.

"Reasonable use of property" means the use of property to which its owner is entitled under the Constitution of the United States of America and the Washington State Constitution, as interpreted by the highest courts of those jurisdictions.

"Research use" means a use that conducts scientific investigation through survey, collection of data and/or experimental planting in wetlands.

"Residential use" means the following uses:

-- Accessory dwelling unit;

-- Adult family homes;

-- Artist's studio/dwelling;

-- Assisted living facility;

-- Caretaker's quarters;

-- Congregate residences;

-- Detached accessory dwelling unit;

-- Floating home;

-- Mobile park home;

-- Multifamily residences;

-- Nursing homes; and

-- Single-family dwelling units.

"Restoration and enhancement" or "ecological restoration and enhancement" means revegetation, removing intrusive shoreline structures, removing or treating toxic materials, or similar actions to restore shoreline ecological processes or functions impaired over time by reestablishing them or upgrading them. Restoration and enhancement actions may be carried out independent of any requirement to mitigate impacts from a particular development, shoreline modification or use.

"Restoration and Enhancement Plan." See "Shoreline Restoration and Enhancement Plan."

"Riprap" means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

"Rotovator." See "Aquatic rotovator."

23.60A.936 Definitions -- "S"

"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.

"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. 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.

"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. 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.

"Sales and service, marine" means a commercial use and means one of the following uses:

-- Sale or rental of large boats;

-- Marine service station;

-- Major or minor vessel repair; or

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

"Saltwater" means the waterbodies of Puget Sound, Elliot Bay, Duwamish River, and Shilshole Bay ending at the Hiram M. Chittenden Locks.

"Sea state" means the general condition of the free surface on a large body of water, with respect to wind waves and swell, at a certain location and moment. A sea state is characterized by statistics, including the wave height, period, and power spectrum. Sea state varies with time as wind and/or swell conditions change. The sea state can either be assessed by an experienced observer, like a trained mariner, or through instruments like weather buoys, wave radar or remote sensing satellites.

"Shall" means a mandate; the action must be done.

"Shilshole Bay" means the area from NW 80th Street on the north to the Chittenden Locks.

"Ship canal" means the area of the Lake Washington Ship Canal from the Chittenden Locks to the Fremont Bridge.

"Shipyard." See "Vessel repair, major."

"Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or mean higher high water; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Title 23; the same to be designated as to location by Ecology. "Floodplain" is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.

"Shoreline area" means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

"Shoreline conditional use" means uses identified as such in this Chapter 23.60A that may be authorized by the Director and approved by Ecology in specific cases where certain stated facts and conditions are found to exist. See Section 23.60A.034.

"Shoreline District" means the area established in Section 23.60A.010.

"Shoreline environment" means an area within the Shoreline District that has policies, use provisions and development standards that regulate development, shoreline modifications and uses for the areas that are designated as such shoreline environments.

"Shoreline functions." See "Ecological functions."

"Shoreline Master Program" means the comprehensive use plan for the shorelines of the city, which consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan, the specific regulations of this Chapter 23.60Aand the Shoreline Restoration and Enhancement Plan.

"Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. Shoreline modifications can be other actions, such as land disturbing activity, including clearing, grading, adding impervious surface, altering vegetation, or applying chemicals.

"Shoreline residential setback" means the distance landward from the ordinary high water mark that residential structures are required to be located to not block views from abutting residents. See Section 23.60A.206.

"Shoreline Restoration and Enhancement Plan" means the plan that is adopted as part of the ordinance approving this Chapter 23.60A.

"Shoreline setback" means the distance landward from the ordinary high water mark that development, shoreline modifications and uses are required to be located, as established in each shoreline environment.

"Shoreline stabilization" means techniques to protect against erosion and consist of nonstructural, hard stabilization or soft stabilization techniques, as follows:

1. Hard stabilization. Protection against erosion using primarily structural elements, such as rock, concrete, and metal. Examples include riprap, concrete groins, concrete bulkheads, and sheetpile.

2. Non-structural. Protection against erosion through practices that require minimal disturbance at the shoreline. Examples include setbacks, preservation and management of existing vegetation, upland drainage control, or nourishment of an existing beach.

3. Soft stabilization. Protection against erosion using primarily plant material, gravel, and grading. Examples include live stakes, biotechnical slope stabilization, gravel placement for beach creation, and anchor trees.

"Shoreline special use" means uses identified as such in this Chapter 23.60A that may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60A.032 are found to exist.

"Shoreline variance" means a modification of the regulations of this Chapter 23.60A if authorized by the Director and approved by Ecology after a finding that the literal interpretation and strict application of the provisions of this Chapter 23.60A would cause a degree of hardship set out in the standards for shoreline variances in view of specific facts and conditions applying to a lot in the Shoreline District. See Section 23.60A.036.

"Shorelines" means all the water areas of the City and their associated shorelands, together with the lands underlying them, except:

1. Shorelines of statewide significance;

2. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and

3. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

"Shorelines of Statewide Significance." The following shorelines of the City are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

1. Those areas of Puget Sound and adjacent saltwater lying seaward from the line of extreme low tide;

2. Lake Washington;

3. The Duwamish River;

4. Those shorelands associated with Lake Washington and the Duwamish River.

"Shorelines of the City" means the total of all "shorelines" and "shorelines of statewide significance" within the City.

“Sign, boat name” means a sign displayed on a vessel, house barge or floating home identifying its name, home port, or manufacturer. Noncommercial messages may not replace vessel’s indentifying information.

“Sign, interpretive” means an on-premises sign describing a natural or historic feature on the same site as the sign or intended to be viewed from the site. Noncommercial messages may not replace this information.

“Sign, raceboat sponsor” means an on-premises sign, located on a vessel that is in a race sanctioned by an established and incorporated boat racing association or group that identifies the persons sponsoring the vessel in the race, or noncommercial messages replacing this information.

“Sleeving” means a method of pile repair that uses a non-toxic material frame to encapsulate a pile.

“Soft stabilization.” See “Shoreline stabilization”.

"Special use." See Shoreline special use.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers, floats and drydocks, but not including poles, flower-bed frames and other minor incidental improvements, or vessels.

"Substantial development" means any development of which the total cost or fair market value exceeds the amount established in WAC 173-27-040, except as otherwise provided in

subsection 23.60A.020.C, or any development which materially interferes with the normal public use of the water or shorelines of the City.

"Substantial improvement" and "substantially improved" means maintenance, renovations, repairs or alterations the cost of which in any five year period starting from the date of this ordinance equals or exceeds 60 percent of the market value of the portion of the development that is structurally non-conforming or contains the nonconforming use prior to undertaking the work.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

23.60A.938 Definitions -- "T"

"Transportation facilities" means the following uses:

-- Bridges and tunnels
-- Cargo terminal;
-- Moorage;
-- Parking;
-- Passenger terminal;
-- Rail transit facilities;
-- Railroads;
-- Streets;
-- Transportation facilities, air;
-- Tugboat services; and
-- Vehicle storage and maintenance.

"Tree" means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.

"Tugboat services" means a transportation facility use that consists of moorage for more than one tugboat and dispatch offices, except that facilities that include barge moorage and

loading and unloading facilities for barges as well as tugboat moorage are not tugboat services and are classified as cargo terminals.

23.60A.940 Definitions -- "U"

"UC" means the Urban Commercial shoreline environment.

"UG" means the Urban General shoreline environment.

"UH" means the Urban Harborfront shoreline environment.

"UI" means the Urban Industrial shoreline environment.

"UM" means the Urban Maritime shoreline environment.

"UR" means the Urban Residential shoreline environment.

"Urban shoreline environments" means the Urban Commercial, Urban General, Urban Harborfront, Urban Industrial, Urban Maritime and Urban Residential shoreline environments.

"Use" means a purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this Chapter 23.60A, uses include shoreline modifications and utility lines.

"Use, accessory" means a use that is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

"Use, principal" means any use, whether a separate business establishment or not, that has a separate and distinct purpose and function from other uses on the lot.

"Utilities" means the following uses:

-- Communication utility major or minor;

-- Utility service uses;

-- Solid waste management;

-- Recycling;

-- Sewage treatment plant; and

-- Power plant.

"Utility lines" means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

23.60A.942 Definitions -- "V"

"Vegetation cover" means the total area covered by vegetation multiplied by the fraction of the real cover that exists as based on vertical observation, or estimation.

"Vegetation management" means any action that involves plant materials, including removing and replacing plant material with other plants or other ground surface coverage that is pervious or impervious or planting plant materials where no plants existed.

"Vehicle storage" vehicle storage does not include movable equipment used onsite that is not routinely driven on a public right-of-way.

"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.

"Vessel repair" means a marine sales and service use that is either major or minor, (see "vessel repair, major" and vessel repair, minor") and does not include routine maintenance of a vessel that may lawfully occur while a boat is moored at a permanent location.

"Vessel repair, major" means a shipyard facility in which vessels are built, dry docked painted and/or repaired and that primarily handles vessels 65 feet or longer and is a marine sales and service use.

"Vessel repair, minor" means a boatyard facility in which boats are built, dry docked, painted and/or repaired and primarily handles vessels under 65 feet in length and is a marine sales and service use.

"View corridor" means an area of a lot that provides a view through the lot from the abutting public right-of-way to the water unobstructed by structures except as allowed by this Chapter 23.60A or by vegetation.

23.60A.944 Definitions -- "W"

"WAC" means the Washington Administrative Code, which are regulations of executive branch agencies issued by authority of Washington State statutes that interpret the statutes.

"Water-dependent use" means a use that cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, moorage, tour boats, cruise ships, tug and barge operations, recreation that provides physical access to the water, limnological or oceanographic research facilities that require the use of the adjacent water for its operation. Water-dependent use includes businesses that receive or transport 50 percent or more product or material used in the business via the water adjacent to such business.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. The following uses are often considered water-enjoyment uses: eating and drinking establishments and recreation that provides visual access to the water.

"Water-oriented use" means a use that is a water-dependent, water-related, or water-enjoyment use, or a combination of such uses.

"Water quality" means the physical characteristics of water within the Shoreline District, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.

"Water-related use" means a use or portion of a use not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a location in the shoreline district because:

1. The use has a functional requirement for a waterfront location, such as the arrival or shipment of less than 50 percent of product or product or materials by water (less than 50 percent of their product or material arrives by vessel), or the need for large quantities of water in the use; or

2. The storage of material that is transported by a vessel and is either loaded or off-loaded in the Shoreline District; or

3. The use provides a necessary service supportive of water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

The following uses, and similar uses, are often considered water-related: Seafood and fish processing, lumber and plywood mills, sand and gravel companies and concrete mix and cement plants if less than 50 percent of the product or materials for any of the foregoing uses arrive by vessel, water pollution control services, marine electronics, marine refrigeration, marine sales, boat rigging operations and storage of items that have come off of a vessel and will be returned to a vessel or transported to another location; such as, cargo containers and products. The following uses and similar uses are not water-related: offices, eating and drinking establishments, catering services, non-marine sales and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.

"Watershed restoration plan" means a plan developed or sponsored by the Washington Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one or more of the following activities:

1. A project that involves less than 10 miles of stream reach, in which less that 25 cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

2. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

3. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

"Waterway" means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

“Weed rolling” means the use of a mechanical roller designed to control aquatic weeds.

“Weir” means a structure in a stream or river for measuring or regulating stream flow.

"Wetlands" means those areas identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements.

“Wharf” See “pier.”

"Wildlife" means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

23.60A.946 Definitions – "Y”

"Yacht, boat and beach club" means an institutional use that consists of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is generally restricted to members and their guests. Yacht, boat and beach clubs may be either community clubs or private clubs.

Subchapter XVII: Measurements

23.60A.950 Measurements in the Shoreline District

Measurements of height, view corridors, lot coverage, and other shoreline requirements in the Shoreline District shall be as described in this Subchapter XVII. These measurement regulations supplement other regulations of this title as described in Section 23.60A.016. When a development is partly within and partly outside the Shoreline District, measurement techniques for that portion of the development outside of the Shoreline District shall be as required in the underlying zone.

23.60A.952 Height

Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development to the highest point of the structure not otherwise excepted from the height limits. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

23.60A.954 View corridors

When a view corridor is required, it shall be provided according to the development standards set forth in Section 23.60A.170 using the following measurement techniques:

A. The width of the view corridor or corridors shall be determined by calculating the required percent of the width of the lot at the street or upland lot line;

B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;

C. When a lot is bounded by more than one street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water and the availability of actual views of the water.

23.60A.956 Calculation of lot depth

In certain environments, regulation of development differs according to the depth of the dry land portion of the lot. To qualify for some special regulations, a lot must have a specified depth of dry land. To qualify for locating single-family residences cantilevered over water, a lot must have less than 30 feet but at least 15 feet of dry land.

A. The Director shall determine the lot depth as described below:

1. If the lot abuts a street or railroad right-of-way that is generally parallel to the shoreline, the lot depth is the distance measured in a straight line, parallel to the street or railroad right-of-way and extending to the OHW mark or MHHW between two lot lines, for more than 50 percent of the lot; or

2. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine the lot depth, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than 30 feet but at least 15 feet of dry land if:

1. The lot abuts a street or railroad right-of-way that is generally parallel to the shoreline; and

2. A straight line, parallel to and 15 feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses dry land for more than 50 percent of its distance; and

3. A straight line, parallel to and 30 feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses submerged land for more than 50 percent of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine whether the lot has a depth of less than 30 feet but at least 15 feet of dry land, based on the intent of the Shoreline Master Program.

23.60A.958 Calculation of percent of a lot occupied by a specific use

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments.

A. For purpose of this Section 23.60A.958, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from DNR and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one use, the amount of the structure's footprint allocated to any one use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times C/D$$

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection 23.60A.958.B by the lot area given in subsection 23.60A.958.A times 100.

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as nonwater-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.

23.60A.962 Calculation of lot width for piers accessory to residential development

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of subsection 23.60A.187.C:

A. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.

B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master Program.

Subchapter XVIII: Abbreviations and Acronyms

23.60A.970 General abbreviations and acronyms

BMPs – Best management practices

Ecology – Department of Ecology

DBH – Diameter at breast height

DNR – Washington State Department of Natural Resources

MLLW – Mean lower low water

MHHW – Mean higher high water

NPDES – National Pollutant Discharge Elimination System

OHW – Ordinary high water

RCW – Revised Code of Washington

SFR – Single-family residence

SMA – Shoreline Management Act

SMC – Seattle Municipal Code

SMP – Shoreline Master Program

SPU – Seattle Public Utilities

USACE – U.S. Army Corps of Engineers

USEPA – U.S. Environmental Protection Agency

WAC – Washington Administrative Code

WDFW – Washington Department of Fish and Wildlife

WRIA – Water Resource Inventory Area

23.60A.972 Shoreline Environment Abbreviations

CM – Conservancy Management

CN – Conservancy Navigation

CP – Conservancy Preservation

CR – Conservancy Recreation

CW – Conservancy Waterway

UC – Urban Commercial

UG – Urban General

UH – Urban Harborfront

UI – Urban Industrial

UM – Urban Maritime

UR – Urban Residential

Section 4. The Official Land Use Map, Exhibit A to Section 23.32.016 as last amended by Ordinance 123923, is amended on pages 1, 10, 33, 49, 52, 53, 65, 74, 75, 80, 81, 82, 83, 84,

97, 99, 114, 125, 208, 210, 214, 215, and 217 to re-designate the shoreline environments for certain land as shown in Exhibit B, Maps of Shoreline Environments, attached to this ordinance.

Section 5. The Restoration and Enhancement Plan, attached as Exhibit C, is adopted as part of the Seattle Shoreline Master Program.

Section 6. Section 22.170.110 of the Seattle Municipal Code, which section was enacted by Ordinance 123107, is amended as follows:

22.170.110 Granting or ((~~D~~))<u>d</u>enial of ((~~G~~))<u>g</u>rading ((~~P~~))<u>p</u>ermits

A. Granting((~~.~~))

1. If the Director finds that an application for a grading permit complies with the requirements of this code and rules promulgated hereunder, that the fees specified in the Fee Subtitle have been paid, and that the applicant has satisfied all other conditions precedent imposed by or pursuant to this code, the Stormwater Code, and rules promulgated under those codes, the Director shall issue a permit to the applicant. A permit may be granted with or without conditions. Conditions may include, but are not limited to: restricting grading work to specific seasons, months or weather conditions; limiting vegetation removal; sequencing of work; requiring that recommendations contained in the geotechnical investigation are followed; requiring observation by a licensed civil or geotechnical engineer; requiring special inspection pursuant to Section 22.170.130; requiring structural safeguards; specifying methods of erosion, sedimentation, and drainage control; specifying methods for maintenance of slope stability; retaining existing trees; requiring revegetation and grass seeding and/or long term maintenance activities; requiring compliance with ((~~SMC~~))Chapter 25.09, Regulations for Environmentally Critical Areas, <u>Chapter 23.60A, Shoreline Master Program,</u> and other regulations of the City or other agencies with jurisdiction.

* * *

Section 7. Section 22.805.020 of the Seattle Municipal Code, which section was enacted by Ordinance 123105, is amended as follows:

22.805.020 Minimum ((~~R~~))requirements for ((~~A~~))all ((~~P~~))projects

* * *

I. Protect Shorelines. All projects discharging directly or indirectly through a drainage system into the ((~~s~~))Shoreline ((~~d~~))District as defined in Chapter 23.60A shall prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions as defined in WAC 173-26-020 (11).

* * *

Section 8. Section 22.807.020 of the Seattle Municipal Code, which section was enacted by Ordinance 123105, is amended as follows:

22.807.020 Drainage ((~~C~~))control ((~~R~~))review and ((~~A~~))application ((~~R~~))requirements

* * *

B. Submittal Requirements for Drainage Control Review and Approval((~~.~~))

* * *

4. The Director of DPD may require additional information necessary to adequately evaluate applications for compliance with the requirements and purposes of this subtitle and other laws and regulations, including but not limited to Chapter 25.09 (Regulations for Environmentally Critical Areas) and Chapter 23.60A. The Director of DPD may also require appropriate information about adjoining properties that may be related to, or affected by, the drainage control proposal in order to evaluate effects on the adjacent property. This additional information may be required as a precondition for permit application review and approval.

* * *

Section 9. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.28.030 Criteria for approval

A. The Director shall approve an application for a lot boundary adjustment if it is determined that:

1. No additional lot, tract, parcel, site or division is created by the proposed adjustment;

2. No lot contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated, except as provided in Section 23.44.010, and under any applicable regulations for siting development on parcels with riparian corridors, ((~~shoreline habitat, shoreline habitat buffers,~~)) wetlands, wetland buffers or steep slopes in Chapter 25.09 or on parcels containing priority freshwater habitat or priority saltwater habitat in Section 23.60A.160. Any required nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall be required as set out in Section 25.09.335;

* * *

Section 10. Section 23.34.007 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.007 Rezone evaluation((~~.~~))

***

C. Compliance with the provisions of this ((~~c~~))Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies((~~Area Objectives~~)) shall be used in shoreline environment redesignations as provided in ((~~SMC S~~))subsection 23.60A.042.C((~~.060 B3~~)).

***

E. The procedures and ((~~locational~~))criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220((~~, respectively~~)).

***

Section 11. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.41.004 Applicability

* * *

C. Exemptions. The following structures are exempt from design review:

1. New structures located in special review districts, regulated by Chapter 23.66; design review is not available for an applicant applying for additional building height under the provisions of Section 23.49.180;

2. New structures in Landmark districts regulated by ((~~SMC~~))Title 25, Environmental Protection and Historic Preservation;

3. New structures that are within the historic character area of the Downtown Harborfront 1 zone ((~~regulated by Section~~)) ((~~23.60.704~~)), or that are otherwise required to undergo shoreline design review pursuant to Chapter 23.60A; and

4. New light rail transit facilities that have been subject to review by the Seattle Design Commission.

* * *

Section 12. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.41.012 Development standard departures

* * *

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

* * *

14. Provisions of the Shoreline District, Chapter 23.60A;

* * *

Section 13. Section 23.42.038 of the Seattle Municipal Code, which section was enacted by Ordinance 123566, is amended as follows:

23.42.038 Uses allowed on vacant and underused lots in certain zones

* * *

B. Requirements((~~.~~))

1. A permit for the uses permitted by subsection 23.42.038.A.1 shall be authorized for a period of three years and may be renewed for one additional three-year term.

2. A permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may be issued for a period not to exceed three years. The permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may not be renewed or extended and a new permit to reauthorize the permit for short-term principal use parking shall not be issued.

3. Permits under Section 23.42.038 may not be issued for property that is located within a riparian corridor, ((~~a shoreline habitat, a shoreline habitat buffer,~~))a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas <u>or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160</u>.

* * *

Section 14. Section 23. 42.040 of the Seattle Municipal Code, last amended by Ordinance 123565, is amended as follows:

23.42.040 Intermittent, temporary and interim uses

* * *

G. Interim Use Parking.

1. Permitted use. A Master Use Permit may be issued for principal use surface parking in all zones within the Station Area Overlay District within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle corporate limits to the south, except within the boundaries of the North Beacon Hill station area, and in any zone on sites occupied or owned by established institutions within a quarter mile of a light rail station, including the North Beacon Hill light rail station.

2. Eligibility. A site is eligible for interim principal use surface parking if there is existing, legally established parking on the site, or if the site or a portion of the site was interrupted at any time since January 1, 2001 by a government agency for construction staging

purposes, provided that no existing principal structures may be demolished to facilitate establishment of interim principal use parking.

3. Requirements((~~.~~))

a. A permit for interim principal use surface parking may be issued for a period not to exceed three years. A permit for interim principal use surface parking may not be renewed or extended, and a new permit to reauthorize the principal use surface parking shall not be issued.

b. A permit for interim principal use surface parking may not be issued for property that is located within a riparian corridor, ((~~a shoreline habitat, a shoreline habitat buffer,~~))a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas <u>or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160</u>.

* * *

Section 15. Section 23.42.100 of the Seattle Municipal Code, which section was enacted by Ordinance 120293, is amended as follows:

23.42.100 Nonconformity -- Applicability and intent((~~.~~))

A. The nonconformity provisions of this ((~~c~~))<u>C</u>hapter <u>23.42</u> apply to uses and sites in all zones, except for the ((~~s~~))<u>S</u>horeline ((~~overlay~~)) ((~~d~~))<u>D</u>istrict (see Chapter 23.60<u>A</u>).

* * *

Section 16. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance 123378, is amended as follows:

23.44.006 Principal ((~~U~~))<u>u</u>ses ((~~P~~))<u>p</u>ermitted ((~~O~~))<u>o</u>utright

The following principal uses are permitted outright in single-family zones:

* * *

B. Floating Homes((~~. Floating homes~~)), subject to the requirements of Chapter 23.60<u>A</u>;

Section 17. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.44.008 Development standards for uses permitted outright

* * *

C. Floating homes are subject to the provisions of Chapter 23.60A, Shoreline District ((~~Master Program~~)), and are also subject to the parking provisions of this ((~~Chapter~~))Section 23.44.008.

* * *

Section 18. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.44.010 Lot requirements

* * *

B. Exceptions to Minimum Lot Area Requirements. The following exceptions to minimum lot area requirements are allowed, subject to the development standards for undersized lots in subsection 23.44.010.C, except as limited under subsection 23.44.010.B.2:

* * *

2. Limitations((~~.~~))

a. Development may occur on a substandard lot containing a riparian corridor, ((~~a shoreline habitat and shoreline habitat buffer,~~))a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas or containing priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, if the following conditions apply:

1) The substandard lot is not held in common ownership with an adjacent lot or lots at any time after October 31, 1992, or

2) The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after October 31, 1992, if

proposed and future development will not intrude into the environmentally critical area or buffer or priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

b. Lots on totally submerged lands do not qualify for any minimum lot area exceptions.

* * *

Section 19. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

* * *

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following:

* * *

10. Freestanding Structures and Bulkheads.

* * *

e. If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter 23.60A, and the Director shall determine the permitted height.

* * *

Section 20. Section 23.44.052 of the Seattle Municipal Code, last amended by Ordinance 110669, is amended as follows:

23.44.052 Open wet moorage((.))

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shoreline((s)) District, Chapter 23.60A.

Section 21. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.536 Parking location, access, and screening

* * *

B. Location of parking((~~.~~))

* * *

5. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water, as required by Chapter 23.60A, Shoreline District.

* * *

Section 22. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.545 Standards for certain accessory uses

* * *

F. Open wet moorage facilities for residential uses are permitted as an accessory use pursuant to Chapter 23.60A, Shoreline District, if only one slip per residential unit is provided.

* * *

Section 23. Section 23.50.002 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.50.002 Scope of provisions((~~.~~))

* * *

B. In addition to the regulations in this ((~~c~~))Chapter 23.50, certain industrial areas may be regulated by other chapters or titles of the Seattle Municipal Code, including but not limited to: Special Review Districts, Chapter 23.66; Landmark Districts, Chapter 25.12; or the ((~~Seattle~~)) Shoreline District, Chapter 23.60A.

* * *

Section 24. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

23.50.014 Conditional uses

* * *

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Table A for 23.50.012, may be permitted by the Director if the provisions of this subsection 23.50.014.B and subsection 23.50.014.A are met.

1. Artist's studio/dwellings in an existing structure may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones, except as provided in the Shoreline District, Chapter 23.60A, upon showing that the occupant is a bona fide working artist, and subject to the following criteria:

* * *

Section 25. Section 23.50.018 of the Seattle Municipal Code, which section was enacted by Ordinance 113658, is amended as follows:

23.50.018 View corridors((.))

* * *

C. Measurement, modification or waiving of the view corridor requirement shall be according to the Shoreline District measurement regulations, Chapter 23.60A.

* * *

Section 26. Section 23.50.026 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.50.026 Structure height in IC zones

* * *

B. Water-dependent uses within the Shoreline District are subject to only the height limits of the applicable shoreline environment, Chapter 23.60A.

* * *

C. Within the area shown on Exhibit A for 23.50.026 ((~~A~~)) areas zoned IC 45 are subject to the following height regulations (See Exhibit A for 23.50.026 ((~~A~~))):

2. A 65 foot structure height is permitted as a special exception provided that:

a. Provision is made for view corridor(s) looking from Elliott Avenue toward Puget Sound;

* * *

4) Measurement, modification or waiver of the view corridor(s) shall be according to Chapter 23.60A, ((~~the Seattle~~)) Shoreline District ((~~Master Program~~)) measurement regulations((~~, Chapter 23.60~~)). Where a waiver under these provisions is granted by the Director, the 65 foot structure height shall still be permitted,

* * *

Section 27. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance 121477, is amended as follows:

23.55.015 Sign kiosks and community bulletin boards((~~.~~))

* * *

C. Development Standards for Sign Kiosks((~~.~~))

* * *

2. Location((~~.~~))

* * *

d. Sign kiosks shall be located in compliance with ((~~SMC~~))Section 23.55.042 and Chapter 23.60A.

* * *

Section 28. Section 23.57.002 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.57.002 Scope and applicability of provisions

* * *

C. Lots located in the Shoreline District shall meet the requirements of Chapter 23.60A, ((~~the Seattle~~)) Shoreline District ((~~Master Program~~)), in addition to the provisions of this

((~~c~~))Chapter 23.57. If there is a conflict between the regulations of the Shoreline District ((~~Master Program~~)) and this ((~~c~~))Chapter 23.57, the provisions of Chapter 23.60A apply.

* * *

Section 29. Section 23.72.006 of the Seattle Municipal Code, last amended by Ordinance 118624, is amended as follows:

SMC 23.72.006 Application of regulations((~~.~~))

All land located within the Sand Point Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this ((~~c~~))Chapter 23.72. In the event of irreconcilable differences between the provisions of the Sand Point Overlay District and the underlying zone, the provisions of this ((~~c~~))Chapter 23.72 shall apply. Portions of the Sand Point Overlay District that lie within the Shoreline District, ((~~regulated by the Seattle Shoreline Master Program (SSMP)~~)), Chapter 23.60A, shall be governed by the provisions of the Shoreline District ((~~SSMP~~)) in addition to this ((~~c~~))Chapter 23.72. In the event of a conflict, the provisions of Chapter 23.60A ((~~the SSMP~~)) shall prevail.

Section 30. Section 23.72.008 of the Seattle Municipal Code, last amended by Ordinance 122829, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.

* * *

B. Uses Permitted Within Portions of Subarea B depicted on Map A for 23.72.008.

* * *

2. Accessory Uses. Accessory uses that meet the following standards and that are customarily incidental to the principal uses permitted outright, are permitted outright:

a. The area devoted to the accessory use is limited no more than 20 percent of the gross floor area of the principal use it serves;

b. Only principal uses permitted by this section and by the applicable provisions of Chapter 23.60A are allowed as accessory uses.

* * *

Section 31. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

* * *

C. The following are Type II decisions:

* * *

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations, which are appealable to the Shorelines Hearings Board):

* * *

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances;

3) Shoreline conditional uses;

* * *

Section 32. Section 23.76.066 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.76.066 Shoreline Master Program amendments

Council decisions approving an amendment to the text of Chapter 23.60A, Shoreline District, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective as provided by applicable state law.

Section 33. Section 23.80.004 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.80.004 Review criteria

***

C. Light rail transit facilities((.))

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones and shoreline environments within the City of Seattle, except the CP Environment; such facilities are allowed in the CP Environment if in or on existing bridges, existing tunnels, or existing infrastructure related to a bridge or tunnel, or if other locations are infeasible under regulations of Chapter 23.60A, Shoreline District.

***

Section 34. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 123963, is amended as follows:

23.88.020 Land use interpretations

* * *

D. Notice of Request for Interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60A Shoreline District (((~~Seattle Shoreline Master Program~~))), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that Major Institution.

E. Notice of Interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, Shoreline District (((~~Seattle Shoreline Master Program~~))), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the

interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by Land Use Information Bulletin.

* * *

Section 35. Section 23.90.006 of the Seattle Municipal Code, last amended by Ordinance 122407, is amended as follows:

23.90.006 Investigation and notice of violation((~~.~~))

* * *

B. If after investigation the Director determines that the standards or requirements have been violated, the Director may issue a notice of violation to the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements, and shall set a reasonable time for compliance. In the event of violations of the standards or requirements of ((~~the Seattle Shoreline Master Program,~~)) Chapter 23.60A, Shoreline District, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area.

* * *

Section 36. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 123546, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of ((~~Seattle Municipal Code~~))Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);

3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

4. Keeping of animals (Section 23.42.050);

5. Home occupations (Section 23.42.052); and

6. The following violations of the Shoreline district , Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction into any water body (subsections 23.60A.152.H, 23.60A.152.T and 23.60A.152.U).

c. Conducting activity in or over water outside the allowed work windows (subsection 23.60.152.J); and

d. Closing required public access (Section 23.60A.164).

* * *

Section 37. Section 25.09.015 of the Seattle Municipal Code, last amended by Ordinance 122738, is amended as follows:

25.09.015 Application of chapter((~~.~~))

A. This ((~~c~~))Chapter 25.09 applies to any development, as defined in Section 25.09.520, or platting carried out by any person on publicly or privately owned parcels containing an environmentally critical area or buffer, except that:

1. ((~~p~~))Parcels that are solely within seismic or volcanic hazards areas, as defined in Sections 25.09.020.A.6 and 25.09.020.A.7, and that are not liquefaction-prone areas are subject only to Section((~~s~~)) 25.09.010, subsections A, B, C and F of Section 25.09.017((~~.A, B, C and F,~~)) and Sections 25.09.020, and 25.09.030; and

2. For parcels, including submerged land, that are in the Shoreline District, as

described in Section 23.60A.010, this Chapter 25.09 as incorporated by reference into Section 23.60A.156 applies to development and shoreline modifications, as defined in Chapter 23.60A, uses, platting, and actions described in subsection 25.09.015.C.

B. This ((~~c~~))Chapter 25.09 applies to altering vegetation, trees, or habitat carried out by any person in landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, ((~~shoreline habitat, shoreline habitat buffers,~~))wetlands, and wetland buffers on publicly or privately owned parcels, except for parcels, including submerged land, in the Shoreline District, where such actions shall comply with Section 23.60A.190.

C. Section 25.09.200((~~A4~~))A.4 applies to daylighting pipes and culverts defined in that subsection 25.09.200.A.4.

***

Section 38. Section 25.09.020 of the Seattle Municipal Code, last amended by Ordinance 122738, is amended as follows:

25.09.020 - Environmentally critical areas definitions((~~.~~))

The following are environmentally critical areas designated by this ((~~c~~))Chapter 25.09 geologic hazard areas, steep slope areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

* * *

D. Fish and Wildlife Habitat Conservation Areas. The following are fish and wildlife habitat conservation areas:

* * *

((~~6. Shoreline habitat, which is Type 1 waters, defined in WAC 222-16-031, that provide migration corridors for fish listed by WDFW as a priority species waterward of the ordinary high water mark.~~))

* * *

Section 39. Section 25.09.045 of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.045 – Exemptions((~~.~~))

* * *

H.

1. The activities identified in subsection 25.09.045.H.3 below are exempt from the provisions of this ((~~c~~))Chapter 25.09 when the applicant demonstrates:

a. The work is not a prerequisite to other development;

b. No practicable alternative to the work with less impact on the environmentally critical area or buffer exists; and

c. The work does not pose an unreasonable threat to the public health, safety or welfare on or off the parcel.

2. The Director's decision shall:

a. include the approved location and limits of the work; and

b. require specific mitigation measures for impacts to all environmentally critical areas and their buffers before, during, and after construction.

3. The provisions of this subsection 25.09.045.H apply to the following activities:

a. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ((~~fifty-five thousand (~~))55,000((~~)~~)) volts or less only when required by a governmental agency,

b. Relocation of natural gas, cable communications, gas, telephone facilities, and public utility lines, pipes, mains, equipment or appurtenances only when required by a governmental agency,

c. Installation or construction in improved public road rights-of-way, and replacement, operation or alteration, of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ((~~fifty-five thousand (~~))55,000((~~)~~)) volts or less,

d. Installation or construction in improved public road rights-of-way, and replacement, operation, repair or alteration of all natural gas, cable communications, telephone

facilities, and public utility lines, pipes, mains, equipment or appurtenances,

e. Public or private projects designed to enhance riparian corridors, ((~~shoreline habitat and its buffer,~~))and wetlands and their buffers, including stormwater-related functions, that require either a Hydraulic Project Approval from the Washington Department of Fish and Wildlife or a Section 404 permit under the federal Clean Water Act from the United States Army Corps of Engineers, Aquatic Habitat Matching Grant program, established by City Council Resolution 30719, and

f. Public projects where the intrusion into the environmentally critical area or buffer benefits the public, such as trails providing access to a creek or wetland area, when located and designed to keep environmental disturbance to a minimum. The applicant shall protect vegetation and trees pursuant to a tree and vegetation plan consistent with best management practices. The plan shall be prepared by a qualified expert with experience related to the type of environmentally critical area or buffer where work will occur. In landslide-prone areas of the plan shall also be approved by a geotechnical engineer or geologist licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and vegetation removal on steep slopes.

***

Section 40. Section 25.09.200 of the Seattle Municipal Code, last amended by Ordinance 123106, is amended as follows:

25.09.200 - Development standards for fish and wildlife habitat conservation areas

A. Development standards for parcels with riparian corridors((~~.~~))

* * *

2. Riparian Watercourse((~~.~~))

a. Development is prohibited within or over the watercourse, except as provided in <u>this</u> subsection <u>25.09.200.A.2.a or subsection 23.09.200.</u>A<u>.</u>2<u>.</u>b. If no other access is available to the property, the Director may approve access over the watercourse, provided that it

maintains the natural channel and floodway of the watercourse and that disturbance of the riparian management area is kept to a minimum.

b. On Haller and Bitter Lakes, piers are regulated pursuant to the development standards for similar structures in the Shoreline District ((~~Seattle Shoreline Master Program~~)), Chapter 23.60A, Part XVI, The Urban Residential Environment. If a pier is allowed, access to it through the riparian management area is also allowed, provided the impact on the naturally functioning condition of the riparian management area from the pier's location, method of construction, and construction materials is kept to a minimum.

* * *

((~~B. ((Development Standards for Shoreline Habitat.~~

~~1. The provisions of this subsection B apply to all parcels with shoreline habitat defined in subsection 25.09.020 D6 or its buffer.~~

~~2. In addition, the provisions of subsection C below apply to parcels with shoreline habitat or its buffer, except subsection C2 with respect to fish. In the event of an irreconcilable conflict between the provisions of this subsection B and subsection C, the provision most protective of wildlife habitat applies.~~

~~3. Development is prohibited in shoreline habitat, except when all of the following criteria are met:~~

~~a. The development is allowed under Title 23, including chapter 23.60, the Shoreline Master Program; and~~

~~b. Mitigation is provided for all impacts to the ecological functions of fish habitat on the parcel resulting from any permitted increase in or alteration of existing overwater coverage.~~

~~4. Buffers.~~

~~a. Shoreline habitat has a 100 foot buffer from the ordinary high water mark.~~

~~b. Bioengineered solutions, such as using plants or other approved natural~~

~~material, to stabilize the shoreline are allowed in the buffer, provided they are allowed under Title 23, including Chapter 23.60, the Shoreline Master Program.~~

~~c. Other development for water dependent and water related uses is prohibited in the buffer, except when:~~

~~1) The development is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

~~2) no vegetation is removed, the amount of impervious surface is not increased, and no surface that is permeable by water at the time of the application will be covered with an impervious surface so that impervious surface will be closer to the ordinary high water mark; or~~

~~3) if any of the actions described in subsection 25.09.200.B.4.c.2 occur and that action impacts the ecologic function of the shoreline, those impacts are mitigated as set out in subsection 25.09.200.B.4.e below.~~

~~If the standards in subsections 25.09.200.B.4.c.1 and 25.09.200.B.4.c.2 are met, then the application is not subject to the application submittal requirements in Section 25.09.330 and the general development standards in Section 25.09.060.~~

~~d. Other development for non-water dependent and non-water related uses is prohibited in the buffer, except when:~~

~~1) The development is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

~~2) for non-residential uses~~

~~a) the lot was in existence before May 9, 2006; and~~

~~b) the development is 25 feet or more from the ordinary high water mark unless the development is allowed in the shoreline habitat under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

~~c)~~

~~i. no vegetation is removed, impervious surface is~~

~~not increased and no net loss of ecological function of the critical area or buffer from other actions occurs; or~~

~~ii. if any of the actions described in subsection 25.09.200.B.4.d.2.c.i above occur, all impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e below; or~~

~~3) for residential uses the residence is 25 feet or more from the ordinary high water mark~~

~~a) and no vegetation is removed, impervious surface is not increased and no net loss of ecological function of the critical area or buffer from other actions occurs; or~~

~~b) if any of the actions described in subsection 25.09.200.B.4.d.3.a above occur, all impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e below.~~

~~e. Mitigation.~~

~~1) Mitigation must prevent net loss of ecological function. Mitigation must achieve the equivalent ecologic functions as the conditions existing in the shoreline habitat buffer at the time of development. Mitigation under this Section is not intended to duplicate mitigation for the same ecologic function that is required under other City regulations or under state and federal permits. The permit condition most protective of the ecologic function shall be enforced.~~

~~2) For the purpose of this Section, mitigation is action that replaces ecological functions lost as a result of a project impact. Depending on the type of lost ecological function these include:~~

~~a) providing habitat, or~~

~~b) creating new pervious ground or~~

~~c) replicates the function of the pervious ground through methods that are engineered and designed according to the requirements of Chapters 22.800~~

~~through 22.808, Stormwater Code.~~

~~(3) Mitigation for habitat impacts in the buffer shall occur in the following order of preference:~~

~~(a) on the parcel within the buffer as close to the ordinary high water mark as possible;~~

~~(b) within the buffer as close to the ordinary high water mark as possible on a parcel that abuts the ordinary high watermark within one quarter (¼) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred;~~

~~(c) farther along the shoreline within the buffer as close to the ordinary high water mark as possible.~~

~~(4) The following mitigation ratios are required for habitat impacts in the buffer under subsection 2(a) and 2(b); the first number specifies the area of replacement habitat, and second specifies the area of altered habitat:~~

~~(a) 1:1 for areas on the parcel or on a parcel that abuts the ordinary high water mark within one quarter (¼) mile along the shoreline from where the vegetation removal, placement of impervious surface or other loss of habitat occurred. If the applicant demonstrates that the ecological function can be replaced at a different ratio, the Director may approve that ratio.~~

~~(b) 3:1 farther along the shoreline, provided that if a five (5) year bonded monitoring program is provided that monitors the effectiveness of mitigation measures and provides a means for ensuring the attainment of the goals of the program, the Director may approve a 2:1 ratio.~~

~~5. Bulkheads.~~

~~a. New bulkheads are prohibited, except when the bulkhead is necessary to the continued operation or expansion of a water dependent or water related use.~~

~~b. Major repair of existing bulkheads is prohibited, except when~~

~~(1) the bulkhead is necessary to the continued operation or expansion of a water dependent or water related use; or~~

~~(2) a bioengineered solution, such as using plants or other approved natural material to stabilize the shore, will not achieve the same level of shoreline stabilization and property protection.~~

~~6. Streets.~~

~~a. Existing public or private streets are excluded from these buffer regulations, provided that if the provisions of Chapters 22.800 through 22.808, the Stormwater Code apply, the Director shall require adequate stormwater detention to prevent harm from the street to habitat and to keep degradation of water quality for habitat to a minimum.~~

~~b. New streets are allowed when the following criteria are met:~~

~~1) the street is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

~~2) no vegetation is removed, impervious surface is not increased, and no net loss of ecological function of the critical area or buffer from other actions occurs; or~~

~~3) if the actions described in subsection 25.09.200.B.6.b.2 occur, any impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e above.~~

~~7. The following provisions apply to all parcels containing shoreline habitat and buffers to prevent impacts to the habitat and buffer:~~

~~a. Any increases in surface runoff from development shall be kept to a minimum, and surface water run off shall be controlled, treated and released so that receiving water quality and any shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers. Allowable means to achieve this include bioswales, catch basin filters, and other methods prescribed in Chapters 22.800 through 22.808, the Stormwater Code.~~

~~b. Pavement in the habitat and buffer shall be kept to a minimum and~~

~~permeable surfacing, where practicable, shall be used to keep surface water accumulation and runoff into the habitat and buffer to a minimum. Recommended methods are found in Chapters 22.800 through 22.808, Stormwater Code. Permeable surfaces include, but are not limited to, porous asphalt, concrete, brick, or pavers; or plastic confinement systems with grass or gravel filler.~~

~~c. Best management practices shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water. Direct runoff of these materials is prohibited. Best management practices shall be employed for prompt and effective clean-up of any spills that do occur. A spill prevention and response plan may be required by the Director.~~

~~d. Any cleaning or resurfacing operation occurring over water that may result in the entry of debris, such as paint chips, shall employ tarpaulins securely affixed above the water line to prevent material from entering the water. Prior to removing the tarpaulins, the accumulated contents shall be removed by vacuuming or an equivalent method that prevents material from entering the water.~~

~~e. No over-water application of paint, preservative treatment, or other chemical compounds is permitted, except in accordance with best management practices.~~

~~f. Wooden components that will be in contact with standing water or floodwaters shall not contain polycyclic aromatic hydrocarbons (PAH), creosote, pentachlorophenol, or similar toxic substances. Durable, non-toxic components is the preferred material for in-water and over-water structures. Where treated wood is considered necessary, it shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use.~~

~~g. For projects involving concrete, a concrete truck chute cleanout area shall be established to contain wet concrete. No concrete or clean out shall be allowed to enter the water body. This does not prohibit piers or other concrete structures authorized by a valid permit.~~

~~h. All inlets and catch basins shall be protected from fresh concrete, paving, paint stripping and other high-risk pollution generating activities during construction.~~

~~i. Construction staging areas shall be as far from the ordinary high water mark as practicable.~~

~~j. Planting native vegetation may be required to mitigate impacts of development on the shoreline habitat or buffer.~~

~~k. If at any time project-related activities cause a fish kill to occur, the permittee shall stop all work relating to the fish kill and immediately notify the Department of Planning and Development, Washington Department of Fish and Wildlife, and the Washington Department of Ecology.~~

~~l. In- and over-water structures shall be designed and located to keep impacts from shading of any bank and shallow water habitat to a minimum.~~

~~8. Removal of, clearing, or any action detrimental to habitat, trees or vegetation in shoreline habitat or its buffer is prohibited, except as authorized under subsections 1-6 above and section 25.09.320.~~))

((~~C~~))B.

1. Development on parcels containing fish and wildlife habitat conservation areas shall comply with any species habitat management plan set out in a Director's Rule. The Director may establish by rule a species habitat management plan to protect any priority species identified by the Washington State Department of Fish and Wildlife or to protect species of local importance.

2. Any person proposing development on a parcel containing fish and wildlife habitat conservation areas shall consult with the Washington State Department of Fish and Wildlife and comply with any requirements of that agency, except as limited in subsections 25.09.200.A and 25.09.200.B ((~~above~~)).

((~~D~~))C.Based on information provided by a qualified wildlife biologist, the Director may condition development on parcels containing wildlife habitat or corridors defined in subsection

25.09.020. D.3 to protect fish or wildlife habitat corridors. Conditions may include, but are not limited to:

1. Establishment of buffer zones;

2. Preservation of important vegetation and habitat features;

3. Limitation of access to habitat areas;

4. Seasonal restriction of construction activities;

5. Preservation of the ability for fish to pass between fish habitat in Type 1-5 waters upstream and downstream of the parcel. The application requirements and general conditions of this chapter, Sections 25.09.330 and 25.09.060, do not apply if the person responsible for development of the parcel has either a Hydraulic Project Approval from the Washington Department of Fish and Wildlife or a Section 404 permit under the federal Clean Water Act from the United States Army Corps of Engineers. Nothing in this subsection 25.09.200.C alters the rights of the owner of the pipe or culvert, if that person is not an applicant for a permit.

6. Requiring the developer to daylight a pipe or culvert defined in ((~~SMC~~)) subsection 25.09.020.D.3.c, when the conditions in subsection 25.09.200.C.6.a below are met. When requiring daylighting, the Director is authorized to modify the conditions set out in subsection 25.09.200.C.6.b ((~~below~~)). Nothing in this subsection 25.09.200.C.6 alters the rights of the owner of the pipe or culvert, if that person is not an applicant for a permit.

a. The Director may require daylighting under the following conditions:

((~~(~~))1) When the existing pipe or culvert cannot remain in its current location and provide an effective passage for anadromous fish due to the development.

((~~(~~))2) Other methods for preserving fish passage such as pipe or culvert placement or site engineering are not feasible.

b. If daylighting is required then the applicant must prepare a plan that demonstrates the following:

((~~(~~))1) The ecological functions of the daylighted waters and

resulting new riparian management area are compatible with and protect the functions of pipes and culverts upstream and downstream and the ecological functions of the existing riparian corridor upstream and downstream and do not contribute to flooding.

((~~f~~))2) The ecological functions include preventing erosion, protecting water quality, and providing diverse habitat.

c. The Director determines that daylighting the pipe or culvert and the impacts from the development to fish passage on the parcel are roughly proportionate.

d. When requiring daylighting, the Director is authorized to modify the following conditions:

((~~f~~))1) Yard and/or setback requirements on the property may be reduced to provide sufficient area for daylighting and creating a riparian management area, unless reducing them is injurious to safety.

((~~f~~))2) The riparian corridor watercourse and riparian management area may count toward open space requirements for all multifamily or commercial zone requirements.

((~~f~~))3) Required parking may be reduced up to ((~~twenty five percent (~~))25((~~%~~))) percent.

((~~f~~))4) The riparian management area may be reduced to the extent needed to provide sufficient area for the plan described in subsection ((~~6a(2)~~))25.09.200.C.6.a.2 ((~~above~~)).

((~~E~~))D. Designating Species of Local Importance and their Habitat((~~.~~))

1. The Director on an annual basis shall accept and consider nominations for species of wildlife and their habitat to be designated as locally important. The designation of a species of local importance and its habitat shall require an amendment to this ((~~c~~))Chapter 25.09.

2. Species or habitat to be designated shall exhibit the following characteristics:

a. Local populations of native species are in danger of extinction based on existing trends:

((~~(~~))1) Local populations of native species that are likely to become endangered; or

((~~(~~))2) Local populations of native species that are vulnerable or declining;

b. The species has recreational, commercial, game, tribal, or other special value;

c. Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat;

d. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in Seattle;

e. Areas nominated to protect a particular habitat or species have either high-quality habitat or habitat with a high potential to recover to a suitable quality, and the habitat is limited in quantity, highly vulnerable to alteration, or connects habitats.

3. Species and habitats may be nominated for designation by any person. Nominations shall be in writing, address the characteristics listed in subsection((~~2~~)) 25.09.200.D.2, and state whether specific habitat features are being nominated (for example, next sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety. Where restoration of habitat is proposed, a specific plan for restoration shall be provided with the application, or the nomination shall include management strategies for the species or habitats. Restoration plans and management strategies shall be supported by the best available science.

4. The Director shall determine whether the nomination proposal is complete, and if complete, shall evaluate it under the criteria in subsection ((~~2~~))25.09.200.D.2 and make a recommendation to the Mayor and Council based on that information. If the nomination is adopted, the Director may establish habitat restoration plans and habitat and species management strategies by rule.

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Section 41. Section 25.09.240 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

25.09.240 - Short subdivisions and subdivisions((.))

A. This ((~~s~~))Section 25.09.240 applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, ((~~shoreline habitat, shoreline habitat buffers,~~))wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.

B. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection 25.09.240.A ((~~above~~)) except as follows:

* * *

((~~4. Development may encroach into the Shoreline habitat buffer provided that:~~

~~a. a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and~~

~~b. for single family residential uses the condition requires each residence to be no further waterward than twenty-five feet (25') from the ordinary high water mark; and~~

~~c. a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200 B4e.~~))

Section 42. Section 25.09.260 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

25.09.260 - Environmentally critical areas administrative conditional use

A. When the applicant demonstrates it is not practicable to comply with the requirements of ((~~S~~))subsection 25.09.240.B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this

((~~s~~))Section 25.09.260 to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under ((~~S~~))subsection 25.09.240.E.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental impacts on critical areas((~~.~~))

a. No development is in a riparian corridor, ((~~shoreline habitat, shoreline habitat buffer,~~))wetland, or wetland buffer.

b. No riparian management area((~~, shoreline habitat buffer,~~)) or wetland buffer is reduced.

* * *

Section 43. Section 25.09.320 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

25.09.320 - Trees and vegetation((~~,~~))

A.

1. Removing, clearing, or any action detrimental to habitat, vegetation or trees is prohibited, except as provided below, within the following areas: landslide-prone critical areas, (including steep slopes), steep slope buffers, riparian corridors, ((~~shoreline habitat, shoreline habitat buffers,~~))wetlands, and wetland buffers.

* * *

Section 44. Section 25.09.330 of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.330 - Application submittal requirements((~~.~~))

All activities identified in Section 25.09.015 and not exempt from permit application requirements under Sections 25.09.045, 25.09.055, and subsections 25.09.200((~~A4~~)).A.4((~~,~~)) and 25.09.320((~~A3~~))A.3 shall meet the following application submittal requirements in addition to

the application submittal requirements specified in other codes:

A. Topographic Survey. A topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include landslide-prone, flood-prone, riparian corridor, ((~~shoreline habitat or its buffer,~~))wetland or its buffer, and steep slope areas or their buffers. The topographic site plan shall include the following existing physical elements:

* * *

Section 45. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 123106, is amended as follows:

25.09.520 – Definitions((~~.~~))

* * *

((~~"Shoreline habitat" means Type 1 waters defined in WAC 222-16-031 that provide migration corridors for fish listed by WDFW as a priority species waterward of the ordinary high water mark.~~))

* * *

Section 46. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

List of Exhibits: Exhibit A Chapter 23.60 of the Seattle Municipal Code

Exhibit B Maps of Shoreline Environments

Exhibit C Restoration and Enhancement Plan