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DPD Shoreline Master Program ORD
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Version #7

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117585

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 Shoreline Management Act and its regulations identify the public's enjoyment of the aesthetic qualities of the shoreline as an important goal of the Act, and signs have an adverse impact on aesthetics, as well as contributing to driver distraction, and therefore should be limited in the Shoreline District; 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

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.~~))

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

LUG43 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 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 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.

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:~~

~~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~~))

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.~~

~~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.

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~~))

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.~~

~~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.~~))

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 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.~~))

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.~~

~~**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.~~

~~**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.

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.

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.

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.~~))

((~~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.

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 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.

((~~**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~~)).

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.~~))

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.~~

~~**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.~~

~~• 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.~~

~~• 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.~~

~~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.~~

~~• 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.~~

~~e. 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 and water-related uses. The Conservancy and Urban shoreline environments are described in the following goals and policies.

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.

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.

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

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

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.

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.

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.

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.

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

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 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.

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 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 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 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

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

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

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.

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

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

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;

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.

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 required to determine no net loss of ecological function; 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; and

3. Not conflict with the federal and state standards for mitigating related environmental impacts.

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

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.

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

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 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:

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;

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

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.

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.

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.

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.

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

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.

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

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.

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.

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

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.

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.

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.

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

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:

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.

4. Existing uses in the UC, UG, UH, UI, UM, or UR Environments that are within the required shoreline setback and are not otherwise nonconforming to use regulations are regulated by the standards of the applicable environment and not by this Section 23.60A.122.

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 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

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

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; and

4. This subsection 23.60A.122.D does not apply to uses on vessels.

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 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 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.

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;

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.

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

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.

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.

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

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

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

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. Review during permitting

1. Applications that include the following areas 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:

a. Proposed excavation in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources; and

b. Proposed excavation located within 200 feet of the US Government Meander line or in other areas where information reasonably suggests the potential for archeologically significant resources unless the appropriate Native American tribe provides a written consent to the proposed excavation that specifically describes the geographic area for the consent.

2. The archaeologist also shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation.

3. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project's impacts.

4. The Director shall condition project approval based on the final report from the archaeologist to avoid, minimize and mitigate impacts to the site consistent with federal and state law.

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.

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 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.

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 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.

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

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

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 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;

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.

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;

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 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

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.

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.

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

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. 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 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

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.

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:

a. Uses allowed, allowed as a special use or allowed as a shoreline conditional use overwater in the applicable shoreline environment;

b. Shoreline modifications not listed in subsection 23.60A.167(D)(3);

c. Over-water components of a water-dependent or water-related use;

d. Bridges and tunnels;

e. Streets;

f. Utility lines necessary to serve development and uses allowed in the setback or over water;

g. Research, aquatic, scientific, historic, cultural and educational uses pursuant to Section 23.60A.210;

h. Features that better accommodate nearshore habitat improvements, such as increasing daylighting; and

i.Nonconforming uses and development authorized under Section 23.60A.122 or Section 23.60A.124.

3. 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:

a Piers;

b. Dry docks;

c. Equipment used for boat launching and landing;

d. Structures and equipment for loading and unloading material or product to or from water-borne equipment and vessels;

e. Structures used to operate or control water-borne equipment or vessels;

f. Structures and equipment for loading and unloading passengers, baggage and supplies;

g. Fabrication buildings used for constructing or repairing large vessels;

h. Marine service station, if fuel is sold to boats in the water;

i. Existing pumping systems for fire safety, dock-water, and stormwater control.

j. Pipes used to carry treated sewage to the water;

k. Waste pump-out equipment;

l. Spill clean-up equipment; and

m. Other water-dependent uses to the extent they functionally need to be in the setback.

4. 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.

5. More than 5 feet landward of the OHW mark for fences and freestanding walls accessory to residences that are not shoreline modifications, if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the fences and freestanding walls.

6. 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.

7. 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

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.

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.

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;

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.

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.

Table A for 23.60A.172
Applicable standards for shoreline modifications

	Shoreline Modifications	Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
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
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
	Dredging for the purpose of	CU	SU	X	X	SU	SU	CU	SU	P	P	X

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
5b	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 accommodation of existing navigational uses or safe berthing or operation of water dependent equipment such as dry docks.											
5c	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

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 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	P	P	SU	SU	SU	SU	SU	SU	SU	SU	SU

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
	landfill outside the Shoreline District.			X Except as allowed pursuant to Section 23.60A.209								
5h	Necessary to install bridges.	CU	CU		CU	CU	SU	CU	CU	CU	CU	CU
5i	Necessary to install utility lines.	P	CU	CU	CU	SU	CU	SU	SU	SU	SU	SU
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

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
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

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
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
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

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 aquatic habitat including migration corridors; and 3. Grating or similar treatment does not count toward required reduction.	P	X	X	P	SU	P	SU	P	X	X	X
11	**Shoreline stabilization**											
11a	Soft shoreline stabilization.	P	P	P	P	P	P	P	P	P	P	P
11b	Hard shoreline	SU	CU	CU	CU	SU	SU	SU	SU	SU	SU	CU

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 that meets the additional criteria in Section 23.60A.188.				except prohibited on Accretion beaches							
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 or single or multi-family residential use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (1)	P (2)	SU	P	P	P	P	P	P (1)
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,	P	P	P	P	P	P	P	P	P	P	P

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	mitigation 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

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 moorage users 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.

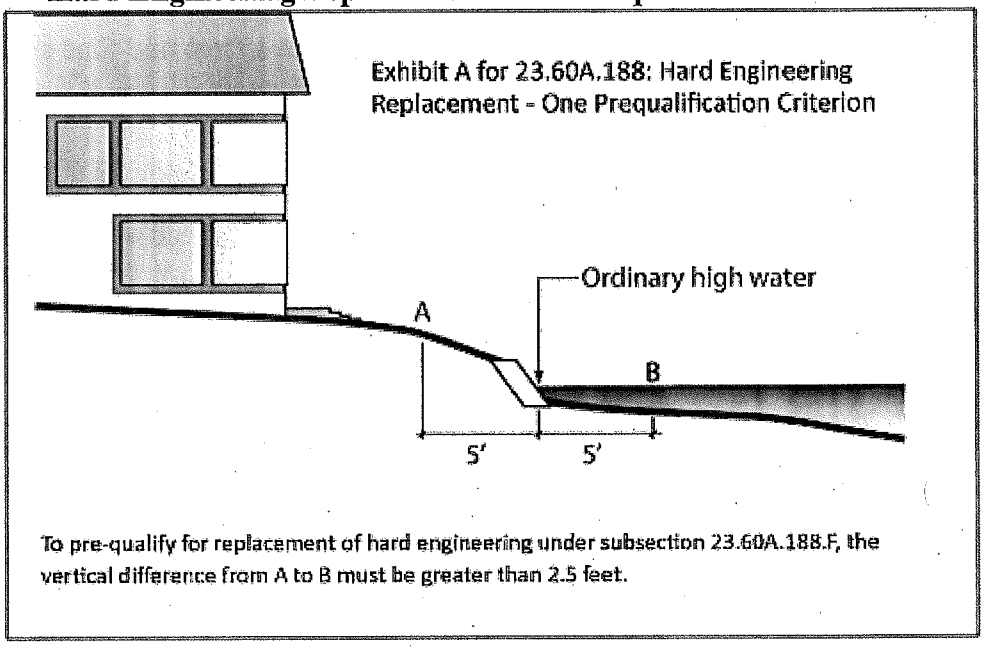
b. Replacement of hard stabilization waterward of existing hard stabilization is regulated as new hard stabilization under subsection 23.60A.188.E.

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 located are allowed landward of the OHW mark as follows and are otherwise prohibited, except as provided in subsection 23.60A.190.D:

1. If 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 is covered with an impervious surface so that impervious surface will be closer to the OHW mark, no mitigation is required for these impervious surface management activities except to address impacts from runoff; or

2. If vegetation is removed or impervious surface is increased, or impervious surface is placed closer to the OHW mark and that action impacts ecological functions, those impacts shall be mitigated as set out in Section 23.60A.158 and subsection 23.60A.190.H.F. Shoreline Setback.

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 two 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) The minimum distance between the exterior walls of floating homes on opposite sides of a moorage walkway shall be 10 feet or the existing distance, whichever is less.

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 toxic 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 and shall consult with the Floating Homes Association in adopting the 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.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. Compliance with conditions

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

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

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

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

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

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

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

d. 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.

e. 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 that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

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

a. Be designed primarily as a conventional recreational vessel as set out in this subsection 23.60A.214.B.1 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Hull shape: clearly defined bow, hull shaped to reduce resistance;

2. Deck gear: cleats, chocks, anchors, scuppers, bulwarks

3. Propulsion & steering system: inboard engine & transmission with propeller & rudder or inboard/outboard drive system.

4.Helm station: layout of control & monitoring systems, visibility for safe navigation.

D. Other vessels used as dwelling units

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

2. To be a vessel it shall be designed and used for navigation and 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	See subsection 23.60A.224.E

Table A for 23.60A.224 Uses in the CM Environment	
parts, or accessories	
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
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

Table A for 23.60A.224 Uses in the CM Environment	
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
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 non-motorized-boat landing areas that are allowed as a special use pursuant to Sections 23.60A.175 and 23.60A.252, 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

7) Non-motorized-boat landing areas allowed as a special use pursuant to Sections 23.60A.175 and 23.60A.252; 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	

Table A for 23.60A.282 Uses in the CR Environment	
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
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	

Table A for 23.60A.282 Uses in the CR Environment	
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
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 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

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
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	

Table A for 23.60A.310 Uses in the CW Environment	
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
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

Table A for 23.60A.382
Uses in the UC Environment

Uses	Waterfront Lots
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
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

Table A for 23.60A.382 Uses in the UC Environment	
Uses	**Waterfront Lots**
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.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 and single-family and townhouse residences along Lakeside Avenue between South Leschi Place and Lake Washington Boulevard may be located at the lowest floor level regardless of the location of nonresidential uses in the structure;

c. The use is on a lot developed with or on a lot abutting another lot developed with a marina use, moorage use, or 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 and uses 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

Table A for 23.60A.402 Uses in the UG Environment	
Uses	**Waterfront Lots**
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
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	

Table A for 23.60A.402 Uses in the UG Environment	
Uses	**Waterfront Lots**
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 15 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 and uses 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	P

Table A for 23.60A.442 Uses in the UH Environment		
Uses	**Waterfront Lots**	**Upland Lots**
	23.60A.442.C	
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 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

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
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
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

Table A for 23.60A.442 Uses in the UH Environment		
Uses	**Waterfront Lots**	**Upland Lots**
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
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 and uses 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	
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	

Table A for 23.60A.482 Uses in the UI Environment	
Use	**Waterfront Lots**
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
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 in existing buildings at passenger terminals for cruise ships if all of the following standards are met:

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 is provided as a onetime condition as follows, except as set out in subsection 23.60A.482.2.b.4:

1) In an amount equivalent in square footage to the gross floor area of the entertainment use within the same geographic area as the proposed project.

2) If the entertainment use occurs fewer than 365 days per year, the amount of ecological restoration shall be prorated by the number of days per year the entertainment use occurs.

3) The area used to calculate the ecological restoration shall be the maximum area used for any one event; and

4) If the number of days used for the entertainment use increases from the original permit, the - additional number of days shall be subject to an additional permit, and ecological restoration shall be provided based on the additional days the site is used per year; and

c. The entertainment use does not include adult cabaret, adult motion picture theaters and adult panorams.

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 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 and subsection 23.60A.490.C.

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 and subsection 23.60A.490.C.

C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.490.C.1 or 2 exist and the applicant complies with subsection 23.60A.490.C.3:

1. The structure is used for a facility that is 75% a water dependent use and larger than 5 acres and:

a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and

b. An existing building on the site of equal to overall size within setback is removed.

2. The new structure is located on a portion of the site where water access is not possible for the water-dependent use.

3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure within the same geographic area as the proposed project.

D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UI Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within the same geographic area as the site is provided.

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

Table A for 23.60A.502 Uses in the UM Environment	
Uses	**Waterfront Lots**
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
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	

Table A for 23.60A.502 Uses in the UM Environment	
Uses	**Waterfront Lots**
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.

8. In addition to the offices allowed in subsection 23.60A.502.D.1.c, nonwater-oriented office uses are allowed in a building existing on January 1, 2013, if:

a. An office use, whether principal or accessory, is established as of January 1, 2013, for an area of the building equal to the area of the proposed office use;

b. The office use is limited to an area equal to 35% of the dry land area of the site;

c. The office use is part of a development that includes a water-dependent use that occupies 75% of the site and is located on the same legal lot as the water-dependent use; and

d. 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.

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 and subsection 23.60A.510.C.

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 and subsection 23.60A.510.C.

C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.510.C.1 or 2 exist and the applicant complies with subsection 23.60A.510.C.3:

1. The structure is used for a facility that is 75% a water dependent use and larger than 5 acres and:

a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and

b. An existing building on the site of equal to overall size within setback is removed.

2. The new structure is located on a portion of the site where water access is not possible for the water-dependent use.

3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure within the same geographic area as the proposed project.

D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UM Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within the same geographic area as the site is provided.

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

Table A for 23.60A.540 Uses in the UR Environment		
Uses	**Waterfront Lots**	**Upland Lots**
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
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

Table A for 23.60A.540 Uses in the UR Environment		
Uses	**Waterfront Lots**	**Upland Lots**
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 Southwest from 1301 Harbor Avenue Southwest to 59th Avenue Southwest 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 or for each 10 dwelling units, limited to 45 square feet.

B. Existing structures and uses 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.

"BMP." See "Best management practices"

"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).

"Conservancy shoreline environments" means the Conservancy Management, Conservancy Navigation, Conservancy Preservation, Conservancy Recreation and the Conservancy Waterway shoreline environments.

"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.

"DNR" means Washington State Department of Natural Resources.

"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 to boats in the water 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.

"MHHW." See "Mean higher high water."

"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.

"MLLW." See "Mean lower low water."

"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.

"NPDES" means National Pollutant Discharge Elimination System.

23.60A.930 Definitions -- "O"

"OHW." See "Ordinary high water mark."

"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.

"RCW" means Revised Code of Washington.

"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"

"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.

"SMA" means Shoreline Management Act.

"SMC" means Seattle Municipal Code.

"SMP" means Shoreline Master Program.

"Soft stabilization." See "Shoreline stabilization".

"Special use." See Shoreline special use.

"SPU" means Seattle Public Utilities.

"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.

"USACE" means U.S. Army Corps of Engineers.

"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.

"USEPA" means U.S. Environmental Protection Agency.

"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.

"WDFW" means Washington Department of Fish and Wildlife.

"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.

"WRIA" means Water Resource Inventory Area.

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~~))denial of ((~~G~~))grading ((~~P~~))permits

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, Chapter 23.60A, Shoreline Master Program, 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 ((e))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 or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

* * *

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 or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

* * *

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 ((e))Chapter 23.42 apply to uses and sites in all zones, except for the ((s))Shoreline ((~~overlay~~)) ((~~d~~))District (see Chapter 23.60A).

* * *

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~~))uses ((~~P~~))permitted ((~~O~~))outright

The following principal uses are permitted outright in single-family zones:

* * *

B. Floating Homes((~~. Floating homes~~)), subject to the requirements of Chapter 23.60A;

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 ((e))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 ((~~e~~))Chapter 23.57. If there is a conflict between the regulations of the Shoreline District ((~~Master Program~~)) and this ((~~e~~))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 ((~~e~~))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 ((~~e~~))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 ((e))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 ((e))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 ((e))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 ((e))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 ((e))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 this subsection 25.09.200.A.2.a or subsection 23.09.200.A.2.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:

((~~f~~))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.

((~~f~~))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:

((~~f~~))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 ((e))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:

((f))1) Local populations of native species that are likely to become endangered; or

((f))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.

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

Chapter 23.60 - SHORELINE DISTRICT

Sections:

Subchapter I - Purpose and Policies
Subchapter II - Administration
Subchapter III - General Provisions
Subchapter IV - Shoreline Environments
Subchapter V - The Conservancy Navigation Environment
Subchapter VI - The Conservancy Preservation Environment
Subchapter VII - The Conservancy Recreation Environment
Subchapter VIII - The Conservancy Management Environment
Subchapter IX - The Conservancy Waterway Environment
Subchapter X - The Urban Residential Environment
Subchapter XI - The Urban Stable Environment
Subchapter XII - Urban Harborfront Environment
Subchapter XIII - The Urban Maritime Environment
Subchapter XIV - The Urban General Environment
Subchapter XV - The Urban Industrial Environment
Subchapter XVI - Definitions
Subchapter XVII - Measurements

Subchapter I - Purpose and Policies

23.60.002 - Title and purpose.
23.60.004 - Shoreline goals and policies.

23.60.002 - Title and purpose.

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

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

1. Protect the ecosystems of the shoreline areas;

2. Encourage water-dependent uses;

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

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

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

23.60.004 - Shoreline goals and policies.

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

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

Subchapter II - Administration

Part 1 Compliance

23.60.010 - Shoreline District established.
23.60.012 - Liberal construction.
23.60.014 - Regulations supplemental.
23.60.016 - Inconsistent development prohibited.
23.60.018 - Nonregulated actions.
23.60.020 - Substantial development permit required.
23.60.022 - Application when development partly out of Shoreline District.
23.60.023 - Intermittent and temporary uses for light rail construction.
23.60.024 - Development of lots split into two or more shoreline environments.
23.60.026 - Phasing of developments.
23.60.030 - Criteria for substantial development permits.
23.60.032 - Criteria for special use approvals.
23.60.034 - Criteria for shoreline conditional use approvals.
23.60.036 - Criteria for shoreline variances.
23.60.038 - Criteria for Council conditional use approvals.
23.60.060 - Procedures for shoreline environment redesignations.
23.60.062 - Procedures for obtaining exemptions from substantial development permit requirements.
23.60.064 - Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.
23.60.065 - Procedure for limited utility extensions and bulkheads.
23.60.066 - Procedure for determination of feasible or reasonable alternative locations.
23.60.068 - Procedure for Council conditional use authorization.
23.60.070 - Decisions to State of Washington-Review
23.60.072 - Commencement of construction.
23.60.074 - Effective date of substantial development permits and time limits for permit validity.
23.60.076 - Revisions to permits.
23.60.078 - Rescission.
23.60.080 - Fee schedule.
23.60.082 - Enforcement.

23.60.010 - Shoreline District established.

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.012 - Liberal construction.

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

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

23.60.014 - Regulations supplemental.

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

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

B. Development Standards.

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

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

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

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

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

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

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

7. Lake Union construction limit line.

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

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

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

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

23.60.016 - Inconsistent development prohibited.

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

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

23.60.018 - Nonregulated actions.

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

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

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

23.60.020 - Substantial development permit required.

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

B. Application and Interpretation of Exemptions.

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

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

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

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

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

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

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial

adverse effects to shoreline resources or environment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.022 - Application when development partly out of Shoreline District.

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

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

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

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

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

23.60.023 - Intermittent and temporary uses for light rail construction.

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

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

1. Native vegetation in the landscape plan.

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

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

(Ord. 122198, § 3, 2007.)

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.026 - Phasing of developments.

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

1. Regulated public access and landscaping;

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

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

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

(Ord. 113466 § 2(part), 1987.)

Part 2 Criteria for Application Review

23.60.030 - Criteria for substantial development permits.

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

1. The policies and procedures of Chapter 90.58 RCW;

2. The regulations of this chapter; and

3. The provisions of Chapter 173-27 WAC.

B. Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

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

23.60.032 - Criteria for special use approvals.

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.034 - Criteria for shoreline conditional use approvals.

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

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

23.60.036 - Criteria for shoreline variances.

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

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

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

23.60.038 - Criteria for Council conditional use approvals.

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

(Ord. 113466 § 2(part), 1987.)

Part 3 Procedures

23.60.060 - Procedures for shoreline environment redesignations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.065 - Procedure for limited utility extensions and bulkheads.

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

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

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

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

(Ord. 118793 § 10, 1997.)

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

A. Plan Shoreline Permits.

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

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

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

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

B. Application Requirements for Plan Shoreline Permits.

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

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

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

C. Type of Decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.068 - Procedure for Council conditional use authorization.

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

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

B. Notice of application shall be consolidated.

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

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

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

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

23.60.070 - Decisions to State of Washington-Review

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

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

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

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

23.60.072 - Commencement of construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.076 - Revisions to permits.

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

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

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

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

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

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

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

23.60.078 - Rescission.

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

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

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

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

23.60.080 - Fee schedule.

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

(Ord. 113466 § 2(part), 1987.)

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

23.60.082 - Enforcement.

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

(Ord. 113466 § 2(part), 1987.)

Subchapter III - General Provisions

Part 1 Use Standards

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

23.60.090 - Identification of principal permitted uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.092 - Accessory uses.

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

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

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

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

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

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

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

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

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

Part 2 Nonconforming Uses and Structures

23.60.120 - Applicability to existing development.

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

(Ord. 113466 § 2(part), 1987.)

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

23.60.122 - Nonconforming uses.

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

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

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

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

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

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

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

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

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

access.

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

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

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

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

23.60.124 - Nonconforming structures.

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.126 - Structures in trespass.

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

(Ord. 113466 § 2(part), 1987.)

Part 3 Development Standards

23.60.150 - Applicable development standards.

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

(Ord. 113466 § 2(part), 1987.)

23.60.152 - General development.

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

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

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

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

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

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

settling ponds, interceptor drains and planted buffers.

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

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

H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.154 - Shoreline design review.

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

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

23.60.156 - Parking requirements.

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

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

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

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

23.60.158 - Drive-in businesses.

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

(Ord. 113466 § 2(part), 1987.)

23.60.160 - Standards for regulated public access.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. General Exceptions.

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

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

3. Regulated public access shall not be required where:

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

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

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.162 - View corridors.

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

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

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

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

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

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

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

4. Removal of existing landscaping shall not be required.

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

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

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

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

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

1. The direction of predominant views of the water;

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

Part 4 Development Standards Applicable to Specific Uses

23.60.179 - Additional development standards.

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

(Ord. 113466 § 2(part), 1987.)

23.60.180 - Sign standards.

A. General Standards for All Signs.

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

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

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

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

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

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

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

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

B. Types of Signs.

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

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

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

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

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

23.60.182 - Dredging standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.184 - Standards for landfill and creation of dry land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.60.186 - Standards for natural beach protection.

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

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

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

B. Natural beach protection shall not:

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

2. Result in any exposed groin-like structures;

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

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

5. Create additional dry land mass.

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

(Ord. 113466 § 2(part), 1987.)

23.60.188 - Standards for bulkheads.

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

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

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

3. The bulkheads are:

a. Adjacent to a navigable channel,

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

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

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

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

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

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

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

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

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

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

substantial development permit requirement.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.190 - Standards for breakwaters and jetties.

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.192 - Standards for utility lines.

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.194 - Standards for intakes and outfalls.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.196 - Floating homes.

A. General Standards.

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

2. Moorage Location:

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

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

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

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

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

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

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

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

equal or greater height;

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

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

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

B. Conforming Floating Home Moorages.

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

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

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

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

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

e. Setbacks.

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

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

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

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

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

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

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

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

C. Nonconforming Floating Home Moorages.

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Setbacks.

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

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

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

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

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

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

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

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

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

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

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

23.60.198 - Residences other than floating homes.

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

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

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

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

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

2. The use of dry land is maximized;

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

4. The Shoreline Policies are met.

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

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

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

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

23.60.200 - Recreational marinas.

General requirements for recreational marinas:

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

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

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

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

E. Public access shall be provided as follows:

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

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

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

F. Transient Moorage.

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

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

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

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

general public.

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.202 - Standards for yacht, boat and beach clubs.

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

(Ord. 113466 § 2(part), 1987.)

23.60.204 - Piers and floats accessory to residential development.

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

B. Size and Location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.206 - Streets.

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

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

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

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

elements;

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.208 - Railroads and rail transit.

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.210 - Aquatic noxious weed control.

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

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

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

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

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

Subchapter IV - Shoreline Environments

23.60.220 - Environments established.

23.60.220 - Environments established.

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

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

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

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

1. Conservancy Navigation (CN) Environment.

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

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

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

2. Conservancy Preservation (CP) Environment.

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

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

3. Conservancy Recreation (CR) Environment.

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

b. Locational Criteria.

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

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

4. Conservancy Management (CM) Environment.

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

b. Locational Criteria.

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

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

5. Conservancy Waterway (CW) Environment.

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

unloading of watercraft and temporary moorage.

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

6. Urban Residential (UR) Environment.

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

b. Locational Criteria.

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

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

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

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

7. Urban Stable (US) Environment.

a. Purpose.

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

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

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

b. Locational Criteria.

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

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

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

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

8. Urban Harborfront (UH) Environment.

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

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

b. Locational Criteria.

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

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

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

9. Urban Maritime (UM) Environment.

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

b. Locational Criteria.

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

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

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

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

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

10. Urban General (UG) Environment.

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

b. Locational Criteria.

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

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

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

11. Urban Industrial (UI) Environment.

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

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial,

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

(3) Areas with good rail and truck access,

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

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

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

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

Subchapter V - The Conservancy Navigation Environment

Part 1 Uses

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

23.60.240 - Uses permitted outright in the CN Environment.

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

A. Navigational aids including channel markers and anchor buoys.

(Ord. 113466 § 2(part), 1987.)

23.60.242 - Special uses in the CN Environment.

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

A. Bridges;

B. Utilities lines;

C. Underwater diving areas and reefs;

D. Aquaculture;

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.244 - Conditional uses in the CN Environment.

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

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

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

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

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

E. Dredging necessary to:

1. Maintain or improve navigational channels,

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

3. Protect or enhance the natural environment, or

4. Install utility lines and bridges; and

F. The following types of landfill:

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

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

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

23.60.246 - Prohibited uses in the CN Environment.

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

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

D. Manufacturing uses;

E. High-impact uses;

F. Institutional uses;

G. Public facilities not authorized pursuant to Section 23.60.248;

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

I. Agricultural uses except aquaculture;

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

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

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

23.60.248 - Public facilities.

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

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

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

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

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

C. Expansion of Uses in Public Facilities.

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

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

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

(Ord. 118663 § 3, 1997.)

Part 2 Development Standards

23.60.270 - Development standards in the CN Environment.

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

(Ord. 113466 § 2(part), 1987.)

Subchapter VI - The Conservancy Preservation Environment

Part 1 Uses

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

23.60.300 - Uses permitted outright in the CP Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.302 - Special uses in the CP Environment.

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

A. Utility lines if no reasonable alternative location exists;

B. The following shoreline recreation uses:

1. Underwater diving areas and reefs,

2. Bicycle and pedestrian paths,

3. Viewpoints;

C. Aquaculture; and

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

(Ord. 113466 § 2(part), 1987.)

23.60.304 - Conditional uses in the CP Environment.

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

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

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

C. The following types of landfill:

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

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

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

D. Streets, railroads and bridges.

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

23.60.306 - Prohibited uses in the CP Environment.

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

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

D. Manufacturing uses;

E. High-impact uses;

F. Institutional uses except permitted shoreline recreational uses;

G. Public facilities not authorized pursuant to Section 23.60.308;

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

I. Agricultural uses except aquaculture;

J. The following protective structures:

1. Bulkheads on Class I beaches, and

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

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

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

23.60.308 - Public facilities.

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

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

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

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

C. Expansion of Uses in Public Facilities.

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

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

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

(Ord. 118663 § 5, 1997.)

Part 2 Development Standards

23.60.330 - Development standards in the CP Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.332 - Natural area protection in the CP Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.334 - Height in the CP Environment.

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

(Ord. 113466 § 2(part), 1987.)

Subchapter VII - The Conservancy Recreation Environment

Part 1 Uses

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

23.60.360 - Uses permitted outright in the CR Environment.

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

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

B. Aquaculture.

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

23.60.362 - Accessory uses permitted outright in the CR Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.364 - Special uses in the CR Environment.

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

A. Streets necessary to serve shoreline lots;

B. Railroads and bridges;

C. Utility lines if no reasonable alternative location exists;

D. The following protective structures:

1. Natural beach protection,

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

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

F. The following types of landfill:

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.365 - Administrative conditional uses in the CR Environment.

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

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

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

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

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

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

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

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

   a. Small craft center,

   b. Boat launching ramp for auto-trailered boats,

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

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

      (2) General sales and services,

      (3) Major durables retail sales, and

      (4) Eating and drinking establishments;

2. Community yacht, boat and beach clubs when:

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

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

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

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

23.60.368 - Prohibited uses in the CR Environment.

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

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

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

C. Utility uses except utility lines;

D. Manufacturing uses;

E. High-impact uses;

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

G. Public facilities not authorized pursuant to Section 23.60.370;

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

I. Agricultural uses except aquaculture;

J. The following shoreline protective structures:

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

2. Bulkheads on Class I beaches; and

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

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

23.60.370 - Public facilities.

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

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

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

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

C. Expansion of Uses in Public Facilities.

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

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

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

the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 9, 1997.)

Part 2 Development Standards

23.60.390 - Development standards in the CR Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.392 - Natural area protection in the CR Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.394 - Height in the CR Environment.

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

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

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

D. Rooftop Features.

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

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

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

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

23.60.396 - Lot coverage in the CR Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.398 - View corridors in the CR Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.400 - Regulated public access in the CR Environment.

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

B. Private Property.

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

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

b. Other nonresidential non-water-dependent developments.

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

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

(Ord. 113466 § 2(part), 1987.)

Subchapter VIII - The Conservancy Management Environment

Part 1 Uses

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

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

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

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

A. Utilities:

1. Utility lines, and

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

B. Existing yacht, boat and beach clubs;

C. Shoreline recreation;

D. Aquaculture.

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

23.60.422 - Accessory uses permitted outright in the CM Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

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

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

A. The following commercial uses:

1. Sale or rental of large boats,

2. Marine service station, and

3. Vessel repair, minor;

B. The following transportation facility uses:

1. Recreational marina,

2. Dry boat storage,

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

4. Airports, water-based;

C. Streets;

D. Bridges;

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

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

G. The following institutional uses:

1. New yacht, boat and beach clubs,

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

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

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

H. The following shoreline protective structures:

1. Natural beach protection, and

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

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

J. The following types of landfill:

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

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

3. Landfill on submerged land that creates dry land:

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

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

(1) No reasonable alternative to the landfill exists,

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

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

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

23.60.426 - Conditional uses permitted in the CM Environment.

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

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

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

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

b. Eating and drinking establishments;

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

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

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

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

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

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

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

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

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

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

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

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

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

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

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

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

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

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

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

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

23.60.428 - Council conditional uses in the CM Environment.

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

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

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

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

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

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

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

A. Residential uses;

B. The following commercial uses:

1. Vessel repair, major,

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

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

4. Medical services,

5. Animal shelters and kennels,

6. Automotive sales and services,

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

8. Lodging,

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

10. Offices,

11. Entertainment uses,

12. Research and development laboratories, and

13. Food processing and craft work uses;

C. The following transportation facilities uses:

1. Commercial moorage,

2. Tugboat services,

3. Principal use parking,

4. Vehicle storage and maintenance,

5. Non-water-dependent passenger terminals,

6. Cargo terminals,

7. Helistops and heliports, and

8. Land-based airports;

D. Railroads;

E. The following utilities:

1. Communication utilities,

2. Solid waste management,

3. Power plants,

4. New sewage treatment plants, and

5. Recycling;

F. Storage uses;

G. Manufacturing uses;

H. High-impact uses;

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

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

K. Parks and open space uses except shoreline recreation;

L. Agricultural uses except aquaculture; and

M. The following shoreline protective structures:

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

2. Bulkheads on Class I beaches.

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

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

A. Uses Permitted Outright.

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

2. Additional uses permitted outright:

a. Institutional uses, and

b. Open space uses.

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

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

(Ord. 113466 § 2(part), 1987.)

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.436 - Public facilities.

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

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

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

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

C. Expansion of Uses in Public Facilities.

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

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

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

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

(Ord. 118663 § 11, 1997.)

Part 2 Development Standards

23.60.450 - Development standards for the CM Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.452 - Critical habitat protection in the CM Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.454 - Height in the CM Environment.

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

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

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

D. Rooftop Features.

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

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

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

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

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

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

23.60.456 - Lot coverage in the CM Environment.

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.458 - View corridors in the CM Environment.

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

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

1. Open wet moorage;

2. Storage of boats undergoing repair; and

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

(Ord. 113466 § 2(part), 1987.)

23.60.460 - Regulated public access in the CM Environment.

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

B. Private Property.

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

Subchapter IX - The Conservancy Waterway Environment

Part 1 Uses

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

23.60.480 - General provisions.

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

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

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

23.60.482 - Uses permitted outright in the CW Environment.

The following uses are permitted outright in the CW Environment:

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

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

23.60.484 - Special uses in the CW Environment.

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

A. Community yacht, boat and beach clubs;

B. Shoreline recreation;

C. The following commercial uses:

1. Vessel repair, minor, and

2. Rental of boats;

D. The following transportation facility uses:

1. Commercial moorage,

2. Tugboat services, and

3. Airport, water-based;

E. Museum, water-dependent;

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

G. Shoreline protective structures;

H. Utility lines, excluding communication utilities;

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

J. Landfill that does not create dry land.

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

23.60.486 - Conditional uses in the CW Environment.

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

A. Commercial uses:

1. Vessel repair, major, of historic ships;

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

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

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

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments;

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

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.

(Ord. 122310, § 9, 2006; Ord. 118793 § 27, 1997; Ord. 113466 § 2(part), 1987.)

23.60.488 - Prohibited uses in the CW Environment.

The following uses shall be prohibited as principal and accessory uses in the CW Environment:

A. The following commercial uses:

1. Marine service station,

2. Sale of large boats,

3. Sale and rental of small boats, boat parts and accessories,

4. All non-water-dependent commercial uses except those permitted on historic ships, and

5. Vessel repair, major, except of historic ships;

B. The following transportation facility uses:

1. Dry boat storage, and

2. Recreational marina;

C. Residential uses;

D. Institutional uses not permitted above;

E. Manufacturing uses;

F. Agricultural uses;

G. Utility uses, except utility lines;

H. High-impact uses; and

I. Landfill on submerged land that creates dry land.

(Ord. 122310, § 10, 2006; Ord. 120927 § 4, 2002; Ord. 113466 § 2(part), 1987.)

23.60.490 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven

hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 12, 1997.)

Part 2 Development Standards

23.60.510 - Development standards in the CW Environment.

All developments in the Conservancy Waterway Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.512 - Temporary structures.

A. All structures in waterways shall be floating except as permitted in subsections B and C of this section.

B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.

C. Public access improvements including structures may be permitted on dry land portions of waterways.

(Ord. 113466 § 2(part), 1987.)

23.60.514 - Height.

The height of structures permitted in waterways shall be fifteen (15) feet.

(Ord. 113466 § 2(part), 1987.)

23.60.516 - Lot coverage.

Structures shall not occupy more than thirty-five (35) percent of the entire waterway nor more than forty (40) percent of the width of the waterway.

(Ord. 113466 § 2(part), 1987.)

23.60.518 - View corridors.

A view corridor or corridors of not less than fifty (50) percent of the width of the waterway shall be provided and maintained for all developments.

(Ord. 113466 § 2(part), 1987.)

23.60.520 - Public access.

A. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all waterways.

B. An open water area with a width of not less than fifty (50) feet for the length of the waterway shall be provided and maintained on all waterways to provide access for public navigation. The location of the open water area shall be determined by the Director.

(Ord. 113466 § 2(part), 1987.)

Subchapter X - The Urban Residential Environment

Part 1 Uses

23.60.540 - Uses permitted outright on waterfront lots in the UR Environment.
23.60.542 - Special uses permitted on waterfront lots in the UR Environment.
23.60.544 - Prohibited uses on waterfront lots in the UR Environment.
23.60.546 - Permitted uses on upland lots in the UR Environment.
23.60.548 - Prohibited uses on upland lots in the UR Environment.
23.60.550 - Public facilities.
23.60.570 - Development standards for the UR Environment.
23.60.572 - Height in the UR Environment.
23.60.574 - Lot coverage in the UR Environment.
23.60.576 - View corridors in the UR Environment.
23.60.578 - Regulated public access.

23.60.540 - Uses permitted outright on waterfront lots in the UR Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Residential Environment as either principal or accessory uses:

A. The following residential uses:

1. Floating home moorage in Lake Union or Portage Bay,

2. Single-family and multifamily residences, and

3. Congregate residences and nursing homes;

B. Streets;

C. Bridges;

D. Railroads;

E. The following utilities:

1. Utility lines, and

2. Utility service uses whose operations require a shoreline location; and

F. Shoreline recreation uses.

(Ord. 118793 § 28, 1997: Ord. 113466 § 2(part), 1987.)

23.60.542 - Special uses permitted on waterfront lots in the UR Environment.

The following uses may be authorized on waterfront lots in the UR Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. The following institutional uses:

1. Community center that provides shoreline recreation, and

2. Community yacht, boat, and beach clubs;

B. The following shoreline protective structures:

1. Natural beach protection, and

2. Bulkheads to support a water-dependent or water-related use, to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent or water-related uses;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill on submerged land which creates dry land where necessary for a water-dependent or water-related use, provided that if more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

a. No reasonable alternative to the landfill exists,

b. The landfill provides a clear public benefit, and

c. The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.544 - Prohibited uses on waterfront lots in the UR Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

A. Commercial uses;

B. Transportation facility uses;

C. Storage uses;

D. The following utilities:

1. Major and minor communication utilities,

2. Solid waste management,

3. Power plants,

4. Sewage treatment plants, and

5. Recycling;

E. Manufacturing uses;

F. High-impact uses;

G. The following institutional uses:

1. Institutions, non-water-dependent,

2. Private yacht, boat and beach clubs;

H. Public facilities not authorized pursuant to Section 23.60.550;

I. Agricultural uses;

J. Parks and open space uses except shoreline recreation;

K. The following shoreline protective structures:

1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

(Ord. 122310, § 11, 2006; Ord. 120927 § 5, 2002; Ord. 118663 § 13, 1997; Ord. 118415 § 2, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.546 - Permitted uses on upland lots in the UR Environment.

A. Uses permitted outright in the UR Environment:

1. Uses permitted outright on waterfront lots are permitted outright on upland lots;

2. Additional uses permitted outright:

a. Institutional uses, and

b. Open space uses.

B. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.

(Ord. 113466 § 2(part), 1987.)

23.60.548 - Prohibited uses on upland lots in the UR Environment.

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.546.

(Ord. 113466 § 2(part), 1987.)

23.60.550 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 shall also be permitted outright or as a special use, subject to the same use regulations, development standards, and special use requirements that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards or special use requirements for those uses in public facilities that are similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards or special use requirements according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as

described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 14, 1997.)

Part 2 Development Standards

23.60.570 - Development standards for the UR Environment.

All development in the Urban Residential Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.572 - Height in the UR Environment.

A. Maximum Height. The maximum height in the UR Environment shall be thirty (30) feet except as modified by subsections B through E of this section.

B. The maximum height on upland lots on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest shall be sixty (60) feet.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the maximum height established in subsection A or B above. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge; and

d. Chimneys.

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 120927 § 6, 2002; Ord. 120117 § 44, 2000; Ord. 113466 § 2(part), 1987.)

23.60.574 - Lot coverage in the UR Environment.

A. Structures including floats and piers shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified in subsection B.

B. Lot Coverage Exceptions.

1. Floating home moorages shall meet the lot coverage provisions in Section 23.60.196, Floating homes.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of a lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.

4. On multifamily zoned lots, the lot coverage percentage of the underlying zone shall apply.

(Ord. 118793 § 29, 1997: Ord. 113466 § 2(part), 1987.)

23.60.576 - View corridors in the UR Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CH by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

23.60.578 - Regulated public access.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than seventy-five (75) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and

c. Marinas, except as exempted by Section 23.60.200 E.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent uses other than marinas and water-related uses; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XI - The Urban Stable Environment

Part 1 Uses

23.60.600 - Uses permitted outright on waterfront lots in the US Environment.
23.60.602 - Special uses on waterfront lots in the US Environment.
23.60.604 - Conditional uses on waterfront lots in the US Environment.
23.60.606 - Prohibited uses on waterfront lots in the US Environment.
23.60.608 - Permitted uses on upland lots in the US Environment.

23.60.610 - Prohibited uses on upland lots in the US Environment.
23.60.612 - Public facilities.
23.60.630 - Development standards for the US Environment.
23.60.632 - Height in the US Environment.
23.60.633 - Maximum size limits in the US Environment.
23.60.634 - Lot coverage in the US Environment.
23.60.636 - View corridors in the US Environment.
23.60.638 - Regulated public access.
23.60.640 - Location of uses.
23.60.642 - Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

23.60.600 - Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

A. The following residential uses:

1. Residences on dry land when the underlying zoning is Residential Commercial (RC) and when the residential use is located above the ground floor of a structure containing nonresidential uses on the ground floor,

2. Existing residences on dry land provided there is no increase in the number of units,

3. Existing over-water single-family residences provided there is no additional water coverage, and

4. Floating home moorages or the expansion of floating home moorages, when:

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

(1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code, or

(2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating-home owner arising out of a legal action for eviction,

c. No more than one (1) such moorage or moorage expansion is permitted per lot established as of April 1, 1987, and

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of December 31, 1987;

B. The following commercial uses:

1. Marine sales and services,

2. Food processing, water-related, and

3. Wholesale showroom, water-related;

C. Storage uses, water-related;

D. The following transportation facility uses:

1. Passenger terminals, water-dependent,

2. Boat moorage,

3. Dry boat storage, and

4. Tugboat services;

E. . The following non-water-dependent commercial uses on dry land when the requirements of subsection E2 are met:

a. General sales and services,

b. Major durables retail sales,

c. Eating and drinking establishments,

d. Offices outside the Lake Union area,

e. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground-floor level, and parking on the ground-floor level is limited to required parking,

f. Entertainment uses, and

g. Custom and craft work,

2. The uses listed in subsection E1 shall be permitted when a water- dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

a. Facilities for the moorage, restoration, or reconstruction of one (1) or more historic vessels,

b. Terminal facilities for one (1) or more cruise ships, harbor tour boats, or foot passenger ferries,

c. More than five hundred (500) lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities,

d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application,

e. More than one thousand five hundred (1,500) lineal feet of saltwater moorage for

recreational vessels,

f. A major public open space, occupying at least one-third (1/3) of the dry-land lot area, that includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space, or

g. Other facilities or amenities similar to those listed above that provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

F. Streets, railroads and bridges;

G. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

H. Light and general manufacturing uses, water-dependent or water-related;

I. Water-dependent or water-related institutions or facilities of institutions, except non-water-dependent facilities of yacht, boat and beach clubs;

J. Yacht, boat or beach clubs which have non-water-dependent facilities, provided that such facilities may be located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

K. Public facilities, water-dependent or water-related;

L. Open space uses; and

M. Aquaculture.

(Ord. 122771, § 1, 2008; Ord. 122310, § 12, 2006; Ord. 120927 § 7, 2002; Ord. 113466 § 2(part), 1987.)

1. Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.602 - Special uses on waterfront lots in the US Environment.

The following uses may be authorized on waterfront lots in the US Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Airport, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging, when the dredging is:

1. Necessary for a water-dependent or water-related use,

2. Necessary for the installation of a utility line;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill which creates dry land:

a.. When the dry land is necessary for the operation of a water-dependent or water-related use, and

ii. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.604 - Conditional uses on waterfront lots in the US Environment.

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Residential uses:

1. New single-family and multifamily dwelling units and artist studio dwellings on the dry land portion of the lot when:

a. Not located near uses which are normally incompatible with residential use because of

factors such as noise, air and water pollutants, or aesthetic values protected by this chapter,

b. Located above the ground floor of a structure containing nonresidential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor,

c. Located near other residences on waterfront lots,

d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of the following characteristics:

(1) Existing piers or other structures suitable for use by a water-dependent use,

(2) Adequate amounts of submerged and dry lands, or

(3) Adequate water depth and land slope,

2. Reserved.

3. Floating home moorages in Lake Union or Portage Bay when:

a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,

b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,

c. The structural bulk of the floating home development will not adversely affect surrounding development, and

d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;

B. The following non-water-dependent uses located over water on lots with a depth of less than fifty (50) feet of dry land:

1. Eating and drinking establishments meeting the criteria of subsection E2 of Section 23.60.600,

2. Marine sales and services,

3. General sales and service uses,

4. Entertainment uses, and

5. Custom and craft work;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments.

2.. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are impractical because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.

(Ord. 122310, § 13, 2006; Ord. 119871 § 1, 2000; Ord. 118793 § 30, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.606 - Prohibited uses on waterfront lots in the US Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and services,

5. Lodging,

6. Food processing, non-water-dependent,

7. Heavy sales and services except water-related wholesale showrooms,

8. Ground-level offices in the Lake Union area,

9. Research and development laboratories, and

10. Off-premises signs;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals,

5. Transit vehicle bases,

6. Helistops and heliports, and

7. Airports, land-based;

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste management,

3. Power plants,

4. Recycling uses,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

G. Storage uses;

H. Public facilities not authorized pursuant to Section 23.60.612 and those that are non-water-dependent;

I. Institutional uses, non-water-dependent;

J. Agricultural uses except aquaculture; and

K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system.

(Ord. 122771, § 2, 2008; Ord. 122310, § 14, 2006; Ord. 120927 § 8, 2002; Ord. 118663 § 15, 1997;

Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.608 - Permitted uses on upland lots in the US Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

(1) Medical services,

(2) Animal shelters and kennels,

(3) Pet grooming,

(4) Automotive sales and service,

(5) Lodging,

(6) Heavy sales and service,

(7) Research and development laboratories, and

(8) Ground-level offices in the Lake Union area;

c. Parking, principal use;

d. Storage uses;

e. Light and general manufacturing uses;

f. Institutional uses; and

g. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

(Ord. 122310, § 15, 2006; Ord. 118793 § 31, 1997; Ord. 113466 § 2(part), 1987.)

23.60.610 - Prohibited uses on upland lots in the US Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.608.

(Ord. 113466 § 2(part), 1987.)

23.60.612 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to

the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 16, 1997.)

Part 2 Development Standards

23.60.630 - Development standards for the US Environment.

All developments in the Urban Stable Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.632 - Height in the US Environment.

A. Maximum Height. The maximum heights in the US Environment shall be as follows, as modified in subsections B through E of this section:

1. The maximum height shall be thirty (30) feet in all locations except those listed in subsections A2 through A4;

2. The maximum height on upland lots along Westlake Avenue North shall be as follows:

   a. Fremont Bridge to Newton Street-forty (40) feet,

   b. South of Newton Street-sixty-five (65) feet.

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five (65) feet.

4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street shall be forty (40) feet.

B. Height Exemptions for Water-Dependent Uses.

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five (35) feet, with or without a flat roof, by the Director when:

   a. Not more than twenty-five (25) percent of the lot area would be at an increased height; and

   b. The views of a substantial number of upland residences would not be blocked by the increased height.

2. Water-dependent Uses. Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched Roofs. In areas with a maximum height limit of thirty (30) or forty (40) feet, the ridge of pitched roofs on principal structures may extend up to five (5) feet above the height permitted. All parts

of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge.

E. Bridges. Bridges may extend above the maximum height limits.

(Ord. 120927 § 9, 2002; Ord. 120117 § 45, 2000; Ord. 113466 § 2(part), 1987.)

23.60.633 - Maximum size limits in the US Environment.

Non-water-dependent offices allowed above the ground floor on waterfront lots in the Lake Union area shall be limited in gross floor area to a ratio of one (1) square foot of floor area per one (1) square foot of dry-land lot area (i.e., FAR of one (1)), but shall not exceed a maximum of ten thousand (10,000) square feet.

(Ord. 117571 § 4, 1995: Ord. 116398 § 1, 1992.)

23.60.634 - Lot coverage in the US Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot.

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots.

1. Structures are permitted to occupy one hundred (100) percent of an upland lot except as modified in subsection B2 or C below.

2. On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and non-water-dependent commercial uses shall not exceed a lot coverage of fifty (50) percent.

C. Lot Coverage Exceptions.

1. On waterfront lots with less than an average of fifty (50) feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five (65) percent is permitted on the dry-land portion of the lot.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.

3. On the dry-land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.

(Ord. 113466 § 2(part), 1987.)

23.60.636 - View corridors in the US Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

B. View corridors are not required for single-family residential development.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

D. The required view corridor width shall be reduced to twenty-five (25) percent of the width of the lot when water-dependent or water-related uses occupy more than forty (40) percent of the dry land area of the lot.

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;

2. Dry boat storage; and

3. Parking for both water-dependent and non-water-dependent uses.

(Ord. 122310, § 16, 2006; Ord. 113466 § 2(part), 1987.)

23.60.638 - Regulated public access.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Multifamily residential developments of more than four (4) units with more than one hundred (100) feet of shoreline, except when uses located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Developments containing non-water-dependent offices in the Lake Union area;

c. Other non-water-dependent uses, except those on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;

d. Marinas, except as exempted by Section 23.60.200 E; and

e. Yacht, boat and beach clubs which have non-water-dependent facilities over water.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent and water-related uses, except yacht, boat and beach clubs which have non-water-dependent facilities over water, and marinas; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.

(Ord. 116398 § 2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.640 - Location of uses.

A. When a use is permitted only above the ground-floor level,

1. Permitted uses other than residential or office uses shall occupy no less than fifty (50) percent of the ground-floor level;

2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty (50) percent of the ground-floor level; and

3. All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of Ground-floor Level. The ground-floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A3.

(Ord. 113466 § 2(part), 1987.)

23.60.642 - Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

Subchapter XII - Urban Harborfront Environment

Part 1 Uses

23.60.660 - Uses permitted outright on waterfront lots in the UH Environment.
23.60.662 - Special uses permitted on waterfront lots in the UH Environment.
23.60.664 - Administrative conditional uses permitted on waterfront lots in the UH Environment.
23.60.666 - Council conditional uses permitted on waterfront lots in the UH Environment.
23.60.668 - Prohibited uses on waterfront lots in the UH Environment.
23.60.670 - Permitted uses on upland lots in the UH Environment.
23.60.672 - Prohibited uses on upland lots in the UH Environment.
23.60.690 - Development standards for the UH Environment.
23.60.692 - Height in the UH Environment.
23.60.694 - Lot coverage in the UH Environment.
23.60.696 - Side setbacks in the UH Environment.
23.60.698 - View corridors in the UH Environment.
23.60.700 - Moorage requirements in the UH Environment.
23.60.702 - Regulated public access in the UH Environment.
23.60.704 - Historic Character Area review criteria.

23.60.660 - Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

A. The following commercial uses:

1. General sales and services,

2. Marine sales and services,

3. Eating and drinking establishments,

4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,

5. Offices when located above wharf level,

6. Entertainment uses,

7. Research and development laboratories, water-dependent, and

8. Food processing and craft work uses;

B. The following transportation facilities:

1. Parking over water when accessory to a water-dependent or water- related use,

2. Parking on dry land when accessory to a permitted use,

3. Passenger terminals, water-dependent,

4. Breakbulk cargo terminals,

5. Boat moorage,

6. Dry boat storage, and

7. Tugboat services;

C. Light manufacturing uses, water-dependent or water-related;

D. Streets, railroads and bridges;

E. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,

2. Maritime museums,

3. Colleges that have water-dependent or water-related facilities,

4. Community centers,

5. Vocational schools, water-dependent or water-related,

6. Community yacht, boat, and beach clubs, and

7. Child care centers when located above wharf level;

F. The following public facilities:

1. Public facilities, water-dependent or water-related, and

2. Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;

G. Shoreline Recreation;

H. Aquaculture; and

I. Minor communication utilities, except freestanding transmission towers.

(Ord. 122771, § 3, 2008; Ord. 122310, § 17, 2006; Ord. 120927 § 10, 2002; Ord. 113466 § 2(part), 1987.)

23.60.662 - Special uses permitted on waterfront lots in the UH Environment.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. The following utilities:

1. Utility service uses that require a shoreline location, and

2. Utility lines;

B. The following shoreline protective structures:

1. Natural beach protection, and

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.

(Ord. 120927 § 11, 2002; Ord. 119929 § 2, 2000: Ord. 113466 § 2(part), 1987.)

23.60.664 - Administrative conditional uses permitted on waterfront lots in the UH Environment.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. The following commercial uses:

1. Wholesale showrooms, and

2. Research and development laboratories, non-water-dependent;

B. The following storage uses:

1. Outdoor storage, water-related or water-dependent, and

2. Warehouses, water-related or water-dependent;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Major durables retail sales, and

d. Eating and drinking establishments,

2.. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site, unless the proposed site is within the Historic Character Area;

D. Light manufacturing uses, non-water-dependent, that:

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

3. Are located to accommodate water-dependent or water-related uses on site;

E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

3. Colleges, and

4. Vocational schools.

(Ord. 122310, § 18, 2006; Ord. 118793 § 32, 1997; Ord. 118663 § 17, 1997: Ord. 116907 § 10, 1993: Ord. 116616 § 9, 1993: Ord. 113466 § 2(part), 1987.)

23.60.666 - Council conditional uses permitted on waterfront lots in the UH Environment.

A. Water-dependent Incentive.

1. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Procedure for Council conditional use authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.

2. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

a. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

b. Siting of project components shall be designed to facilitate the operation of the water-dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

c. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

(1) Area. A minimum of twenty thousand (20,000) square feet or square footage equivalent to twenty (20) percent of the developed lot area, whichever is greater, shall be dedicated to water-dependent use.

(2) Moorage. The moorage required by Section 23.60.700 shall not be calculated as part of the major water-dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water-dependent use.

(3) Lot coverage. An increase in the base lot coverage from fifty (50) percent to a maximum of sixty-five (65) percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694 C, shall not occupy more than sixty-five (65) percent of the submerged land and sixty-five (65) percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:

(a) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;

(b) Promote an overall massing of the pier superstructure to reflect some of the

qualities of traditional pier development;

(c) Site view corridors and public access areas to reduce the appearance of building bulk over water; and

(d) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.

d. Height. The Council may permit increases in building height up to sixty (60) or seventy-five (75) feet above Alaskan Way in the areas shown on Exhibit 23.60.666. (See Exhibit 23.60.666.) Structure heights of seventy-five (75) feet shall be permitted only on dry-land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five (45) feet, as measured from Alaskan Way, shall not occupy more than forty (40) percent of the submerged land and forty (40) percent of the dry land of the lot. Heights above forty-five (45) feet shall not be permitted within one hundred (100) feet of the Outer Harbor Line. To exceed forty-five (45) feet, the development should accomplish the following objectives:

(1) Maintain views from upland public spaces and rights-of-way;

(2) Ensure structure heights that provide a transition to the lower pier structures in the Historic Character Area;

(3) Maintain a structure height along Alaskan Way frontage that is consistent with existing pier development, maximizes solar access to Alaskan Way and establishes a scale of development in keeping with the pedestrian character; and

(4) Provide a transition in height and scale between the waterfront and abutting upland development.

e. Public Access. Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses:

(1) Public access shall be provided approximately equivalent to fifteen (15) percent of the lot coverage or five thousand (5,000) square feet, whichever is greater, except as provided in subsection A2e(2)(c) below.

(2) Area designated for public access shall be subject to the following conditions:

(a) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;

(b) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;

(c) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;

(d) To qualify as public access, an area shall be directly accessible from Alaskan Way and clearly related to public open spaces. Efforts should also be made to physically and visually link public access areas over water with the east/west streets providing links to upland areas;

(e) The public access area shall provide the public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on over-water structures providing maximum exposure to the bay and surrounding activity;

(f) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;

(g) Up to fifty (50) percent of the total public access area may be covered, provided that at least fifty (50) percent of the perimeter of any covered area is open to views of the water;

(h) A portion of the required public access area, not to exceed fifty (50) percent, may be provided at an elevation exceeding two (2) feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty (50) percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

f. View Corridors. View corridors shall be provided equivalent to thirty (30) percent of the street frontage of the lot. The following conditions for view corridors shall be met:

(1) View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;

(2) View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

(3) View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

(4) Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

B. Helistops may be authorized over water or on dryland portions of waterfront lots in the UH Environment by the City Council according to the procedures of Section 23.60.068, with concurrence of the Department of Ecology, as either principal or accessory uses if both the criteria for conditional uses in WAC 173-27-160 and the following criteria are satisfied:

1. The helistop is for takeoff and landing of helicopters which serve a public safety, news

gathering or emergency medical care function, is part of an approved transportation plan and is a public facility, or is part of an approved transportation plan and located at least two thousand (2,000) feet from a residential zone;

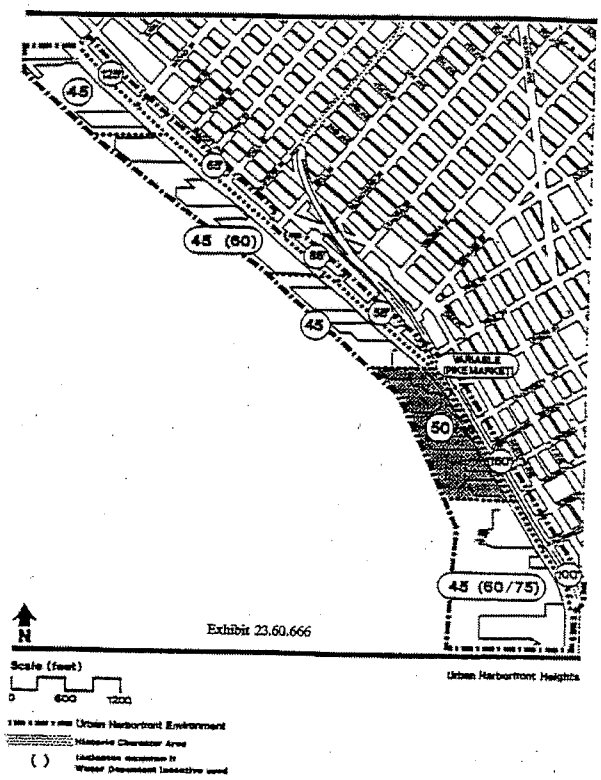
2. The helistop is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;

3. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;

4. Open areas and landing pads shall be hardsurfaced; and

5. The helistop meets all federal requirements including those for safety, glide angles and approach lanes.

(Ord. 118663 § 18, 1997: Ord. 118415 § 3, 1996; Ord. 113466 § 2(part), 1987.)



23.60.668 - Prohibited uses on waterfront lots in the UH Environment.

The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

A. Residential uses;

B. The following commercial uses:

1. Medical services,
2. Animal shelters and kennels,
3. Pet grooming,
4. Automotive sales and service,
5. Lodging, except existing hotels,
6. Offices at wharf/street level,
7. Adult motion picture theaters and panorams, and
8. Heavy sales and services except wholesale showrooms and major durables retail sales;

C. The following transportation facilities:

1. Parking, principal use,
2. Personal transportation services,
3. Cargo terminals, except breakbulk,
4. Bus bases,
5. Heliports,
6. Airports, land-based, and
7. Airports, water-based;

D. Mini-warehouses,

E. The following utilities:

1. Solid waste management,
2. Power plants,
3. Sewage treatment plants,
4. Recycling,
5. Major communication utilities, and
6. Freestanding transmission towers for minor communication utilities;

F. General and heavy manufacturing;

G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

I. High-impact uses;

J. Agriculture uses except aquaculture;

K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and

L. Landfill that creates dry land.

(Ord. 122310, § 19, 2006; Ord. 120927 § 12, 2002; Ord. 119929 § 3, 2000: Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.670 - Permitted uses on upland lots in the UH Environment.

A. Uses Permitted Outright. The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:

1. Uses permitted outright on waterfront lots in the UH environment;

2. Additional uses permitted outright on upland lots:

a. Residential uses,

b. The following commercial uses:

(1) Heavy sales and services,

(2) Medical services,

(3) Lodging,

(4) Offices at street level,

c. The following transportation facilities,

(1) Parking garages, principal use,

(2) Surface parking areas, principal use,

(3) Personal transportation services,

d. Warehouses,

e. Institutions, and

f. Public facilities.

(Ord. 122310, § 20, 2006; Ord. 113466 § 2(part), 1987.)

23.60.672 - Prohibited uses on upland lots in the UH Environment.

Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670.

(Ord. 113466 § 2(part), 1987.)

Part 2 Development Standards

23.60.690 - Development standards for the UH Environment.

All developments in the Urban Harborfront Environment shall meet the requirements of Part 2, except when the Water-dependent Incentive Development Standards of Section 23.60.666 apply, as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.692 - Height in the UH Environment.

A. Waterfront Lots. The maximum height in the UH Environment shall be forty-five (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet tall as measured from Alaskan Way, except as modified by subsection C below.

B. Upland Lots. The maximum height shall be fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection C3c does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total

includes stair or elevator penthouses or screened mechanical equipment:

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

(4) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.

d. Radio and television receiving antennas, excluding dishes; religious symbols for religious institutions; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

(Ord. 120927 § 13, 2002; Ord. 120117 § 46, 2000; Ord. 113466 § 2(part), 1987.)

23.60.694 - Lot coverage in the UH Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot, except as modified by subsection C below; and

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions. Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred (3,600) square feet or an area equivalent to twelve (12) feet times the length of the pier, whichever is greater. An additional four hundred (400) square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit.

(Ord. 113466 § 2(part), 1987.)

23.60.696 - Side setbacks in the UH Environment.

To facilitate access to moorage as required by Section 23.60.700, a side setback of fifty (50) feet from the nearest lot shall be required of all fixed pier structures, not including moorage floats. One-half (½) of an adjacent submerged street right-of-way may be used in meeting this requirement.

(Ord. 113466 § 2(part), 1987.)

23.60.698 - View corridors in the UH Environment.

A. Waterfront Lots.

1. The following standards shall apply to waterfront lots:

a. A view corridor with a width of not less than thirty (30) percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;

b. The view corridor may be provided at two (2) locations, provided that each location has a minimum width of twenty (20) feet.

2. The following may be located in a required view corridor:

a. Storage of boats undergoing repair,

b. Open wet moorage, and

c. Outdoor storage of items accessory to water-dependent or water-related use.

3. One-half (½) of an adjacent submerged street right-of-way may be used in meeting view corridor requirements.

B. Upland Lots. No view corridors are required.

(Ord. 113466 § 2(part), 1987.)

23.60.700 - Moorage requirements in the UH Environment.

A. Developments in the UH Environment shall provide moorage on a regular basis either through:

1. Using moorage as an integral part of their operation;

2. Leasing their moorage for use by commercial or recreational watercraft; or

3. Actively advertising the availability of transient moorage.

B. To facilitate moorage, developments shall provide either:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred (100) feet in length;

2. Floats, for moorage of smaller vessels, that are at least one thousand eight hundred (1,800) square feet with a minimum width of six (6) feet; or

3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage, developments shall provide:

1. A pier apron of a minimum width of eighteen (18) feet on each side and the seaward end of the pier or wharf; and

2. Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.

D. Exception for Marinas. Marinas in the UH Environment shall meet the specific development standards outlined in Section 23.60.200 in lieu of the moorage requirements of this section, and shall provide transient moorage at the rate of forty (40) lineal feet of transient space for each one thousand (1,000) lineal feet of permanent moorage space.

(Ord. 113466 § 2(part), 1987.)

23.60.702 - Regulated public access in the UH Environment.

A. Waterfront Lots. The following standards shall apply to waterfront lots except as provided in subsection C below:

1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen (15) percent of the developed lot area or five thousand (5,000) square feet, whichever is greater.

2. Developments shall provide at least a ten (10) foot wide public access walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier apron.

B. Upland Lots. Public access is not required.

C. Public Access Exceptions. Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and

2. Alternative access criteria of Section 23.60.160 cannot be satisfied.

(Ord. 113466 § 2(part), 1987.)

23.60.704 - Historic Character Area review criteria.

A. Location. All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this section.

B. Review Process. All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Neighborhoods for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five (45) days of receipt of an application by the Landmarks Preservation Board and the Department of Neighborhoods.

C. Review Standards. New construction or modification of existing structures shall be reviewed using the following criteria:

1. The single linear form of the pier shed shall be maintained or reconstructed, regardless of the

division of internal space.

2. Facades of pier ends may be expanded or treated differently from the rest of the pier shed; however, major alterations to the pier shed form are discouraged.

3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.

4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its pier shed shall be preserved.

5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

6. Windows, doors, and openings composed of small-scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.

7. Heavy timber construction using a truss system shall be maintained for existing piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap siding.

8. The pier aprons shall be surfaced with timber.

9. Each pier shall have the pier number clearly identified on both the street end and water end of the pier shed. For all exterior signage, large simple graphics painted directly on the building are preferred. Exterior neon signs are discouraged.

10. Landscaping shall not be required. When it is provided, smaller-scale installations of landscaping related to uses at the wharf level, including colorful seasonal plantings, shall be preferred.

11. Exterior lighting should be in keeping with the historic nature of the area. Localized lighting shall be used to illuminate specific areas and define routes.

12. The existing railing along the Alaskan Way Seawall should be maintained or reconstructed.

(Ord. 116744 § 28, 1993; Ord. 113466 § 2(part), 1987.)

Subchapter XIII - The Urban Maritime Environment

Part 1 Uses

23.60.720 - Uses permitted outright on waterfront lots in the UM Environment.
23.60.722 - Special uses on waterfront lots in the UM Environment.
23.60.724 - Conditional uses on waterfront lots in the UM Environment.
23.60.728 - Prohibited uses on waterfront lots in the UM Environment.
23.60.730 - Permitted uses on upland lots in the UM Environment.
23.60.732 - Prohibited uses on upland lots in the UM Environment.
23.60.734 - Public facilities.

23.60.750 - Development standards for the UM Environment.
23.60.752 - Height in the UM Environment.
23.60.754 - Lot coverage in the UM Environment.
23.60.756 - View corridors in the UM Environment.
23.60.758 - Regulated public access in the UM Environment.
23.60.760 - Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

23.60.720 - Uses permitted outright on waterfront lots in the UM Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Maritime Environment as either principal or accessory uses:

A. The following commercial uses:

1. Marine sales and services, except sale and rental of small boats, boat parts and accessories,

2. Wholesale showrooms, water- dependent or water-related, and

3. Food processing, water-dependent or water-related;

B. The following transportation facilities:

1. Tugboat services,

2. Passenger terminals, water-dependent,

3. Cargo terminals, water-dependent or water-related,

4. Commercial moorage, except covered wet commercial moorage on Lake Union and Portage Bay, and

5. Dry boat storage;

C. The following storage uses:

1. Warehouses, water-dependent or water-related, and

2. Outdoor storage, water-dependent or water-related;

D. Streets, railroads and bridges;

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

F. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and

universities,

2. Shoreline recreation facilities of schools, colleges and universities, and

3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;

G. Light and general manufacturing uses, water-dependent or water-related;

H. Public facilities, water-dependent or water-related;

I. Shoreline recreation uses; and

J. Aquaculture.

(Ord. 122771, § 4, 2008; Ord. 122310, § 21, 2006; Ord. 120927 § 14, 2002; Ord. 113466 § 2(part), 1987.)

23.60.722 - Special uses on waterfront lots in the UM Environment.

The following uses may be authorized on waterfront lots in the UM Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. Water-based aircraft facilities;

B. Heavy manufacturing uses, water-dependent or water-related;

C. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

D. Dredging when necessary for water-dependent and water-related uses;

E. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement,

4. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is placed, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists, and

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.724 - Conditional uses on waterfront lots in the UM Environment.

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs that do not have eating and drinking establishments and recreational marinas when:

1.. The yacht, boat or beach club or marina is not located where frequent interference with the turning basins or navigational areas for large vessels or other conflict with shipping is likely to occur, and

b. The yacht, boat or beach club or marina is not located where likely to conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors, and

2. The yacht, boat or beach club or marina is located on a lot that is not suited for a water-dependent or water-related manufacturing use, or for a permitted water-dependent commercial use other than a yacht, boat or beach club or a marina because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided, yacht, boat or beach clubs may have non-water-dependent facilities located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth, and

2. Location of such facilities on the dry-land portion of the lot is not feasible;

B. Non-water-dependent commercial and manufacturing uses:

1. The following non-water-dependent commercial, storage and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. General sales and services,

c. Eating and drinking establishments,

d. Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse, mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

2. The above uses are permitted on dry land when:

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial;

D. Non-water-dependent uses on historic vessels:

1. The following uses may be permitted on a historic vessel when meeting the criteria in subsection D2 below:

a. Sale of boat parts and accessories, and

b. Entertainment uses, such as banquet facilities;

2. In determining whether to permit non-water-dependent uses on a historic vessel the following criteria shall be considered:

a. Uses permitted outright are impractical because of the vessel design, or the permitted uses cannot provide the financial support necessary to sustain the vessel in a reasonably good physical condition,

b. The moorage is not well-suited for commercial maritime use due to water depth, shoreline configuration or other physical or environmental constraints,

c. The use is compatible with the existing design or construction of the vessel, without the necessity of significant alteration of the vessel,

d. The vessel is designated as a landmark by the Seattle Landmarks Preservation Board with a designating ordinance by City Council,

e. No other historic vessel containing entertainment uses is located within one (1) mile of the applicant vessel, and

f. The playing of music is prohibited except in enclosed spaces.

(Ord. 122310, § 22, 2006; Ord. 118793 § 33, 1997; Ord. 118408 § 10, 1996; Ord. 117230 § 1, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.728 - Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and service,

5. Lodging,

6. Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals, non-water-dependent,

5. Bus bases,

6. Helistops,

7. Heliports,

8. Airports, land-based, and

9. Covered wet moorage on Lake Union and Portage Bay;

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management,

3. Recycling,

4. Power plants,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

(Ord. 122310, § 23, 2006; Ord. 120927 § 15, 2002; Ord. 118793 § 34, 1997; Ord. 118663 § 19, 1997; Ord. 117230 § 2, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.730 - Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts and accessories,

(2) General sales and service uses,

(3) Medical services,

(4) Animal shelters and kennels,

(5) Automotive sales and service,

(6) Eating and drinking establishments,

(7) Heavy sales and services,

(8) Food processing and craft work,

(9) Offices except in the Lake Union area, and

(10) Research and development laboratories;

b. Storage uses;

c. The following transportation facilities:

(1) Cargo terminals, non-water-dependent,

(2) Personal transportation services,

(3) Passenger terminals, non-water-dependent,

(4) Transit vehicle base;

d. Recycling;

e. Light and general manufacturing uses, non-water-dependent;

f. Public facilities; and

g. Minor communication utilities, except freestanding transmission towers.

B. Uses Permitted as Special Uses.

1. Uses permitted as special uses on waterfront lots in the UM environment are permitted as special uses on upland lots.

2. Additional uses permitted as special uses on upland lots:

a. Heavy manufacturing uses, non-water-dependent.

C. Uses Permitted as Conditional Uses. The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Offices within the Lake Union area;

2. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is not located over water, the following uses:

a. Non-water-dependent institutional uses,

b. Residential uses;

3. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is located over water, the following uses:

a. Uses otherwise permitted outright on upland lots in the UM environment as specified in subsection A of Section 23.60.730,

b. Offices within the Lake Union area,

c. Non-water-dependent institutional uses,

d. Residential uses,

e. Parking accessory to uses located within the landmark structure.

D. Uses Permitted as Council Conditional Uses. The following uses may be authorized by the City Council, with the concurrence of the Department of Ecology, as either principal or accessory uses, if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Helistops and heliports when the following additional criteria are met:

a. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering, or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of an approved transportation plan and is a public facility; or is part of an approved transportation plan and is located at least two thousand (2,000) feet from a residential zone;

b. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held;

c. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from the other uses in the surrounding area;

d. Open areas and landing pads shall be hardsurfaced; and

e. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

(Ord. 122310, § 24, 2006; Ord. 120927 § 16, 2002; Ord. 118793 § 35, 1997; Ord. 116907 § 11, 1993: Ord. 116616 § 10, 1993: Ord. 115135 § 2, 1990; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.732 - Prohibited uses on upland lots in the UM Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.730.

(Ord. 113466 § 2(part), 1987.)

23.60.734 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 20, 1997.)

Part 2 Development Standards

23.60.750 - Development standards for the UM Environment.

All developments in the Urban Maritime Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.752 - Height in the UM Environment.

A. Maximum Height. The maximum height in the UM Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when:

1. Not more than twenty-five (25) percent of the lot area would be covered by a structure with the increased height;

2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 17, 2002; Ord. 113466 § 2(part), 1987.)

23.60.754 - Lot coverage in the UM Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged portion of a waterfront lot, except as modified by subsection C.

2. Structures shall not occupy more than seventy-five (75) percent of the dry-land portion of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of an upland lot.

C. Lot Coverage Exceptions.

1. Structures, including floats and piers, may occupy up to sixty-five (65) percent of the submerged portion of a waterfront lot which has a depth of less than fifty (50) feet of dry land.

2. Drydocks may cover up to an additional twenty-five (25) percent of submerged land for a maximum lot coverage of seventy-five (75) percent.

(Ord. 113466 § 2(part), 1987.)

23.60.756 - View corridors in the UM Environment.

A. A view corridor or corridors of not less than fifteen (15) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors; and

4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions. The required percent of the width of the lot may be reduced by five (5) percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen (15) feet:

1. The required view corridor is provided entirely in one (1) location;

2. A view corridor of at least half (½) the required width abuts a lot line which separates the lot from a street, waterway, or public park;

3. A view corridor of at least half (½) the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution. In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;

2. The viewing area shall provide a clear view of the activities on the lot and the water;

3. The viewing area shall have a minimum dimension of one hundred fifty (150) square feet; and

4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

(Ord. 113466 § 2(part), 1987.)

23.60.758 - Regulated public access in the UM Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas; except as exempted in Section 23.60.200 E,

b. Yacht, boat and beach clubs that have non-water-dependent facilities over water,

c. Non-water-dependent uses, except those located on private lots in Lake Union which

have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access;

2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have non-water-dependent facilities over water are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

23.60.760 - Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

Subchapter XIV - The Urban General Environment

Part 1 Uses

23.60.780 - Uses permitted outright on waterfront lots in the UG Environment.
23.60.782 - Special uses permitted on waterfront lots in the UG Environment.
23.60.784 - Conditional uses permitted on waterfront lots in the UG Environment.
23.60.786 - Prohibited principal uses on waterfront lots in the UG Environment.
23.60.788 - Permitted uses on upland lots in the UG Environment.
23.60.790 - Prohibited uses on upland lots in the UG Environment.
23.60.795 - Public facilities.
23.60.810 - Development standards for the UG Environment.
23.60.812 - Height in the UG Environment.
23.60.814 - Lot coverage in the UG Environment.
23.60.816 - View corridors in the UG Environment.
23.60.818 - Regulated public access in the UG Environment.

23.60.780 - Uses permitted outright on waterfront lots in the UG Environment.

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

A. Existing dwelling units;

B. The following commercial uses:

1. General sales and services,

2. Medical services,
3. Animal shelters and kennels,
4. Marine sales and services,
5. Eating and drinking establishments,
6. Heavy sales and service uses,
7. Office uses,
8. Entertainment uses,
9. Research and development laboratories,
10. Food processing and craft work uses;

C. Storage uses;

D. The following transportation facilities:

1. Passenger terminals, water-dependent or water-related,
2. Cargo terminals, water-dependent or water-related;

E. Streets;

F. Bridges;

G. Railroads;

H. The following utilities:

1. Utility lines,
2. Utility service uses whose operations require a shoreline location,
3. Solid waste transfer stations that are water-related, and
4. Minor communication utilities, except freestanding transmission towers;

I. Manufacturing uses;

J. Institutional uses;

K. Public Facilities;

L. Parks and open space uses; and

M. Aquaculture.

(Ord. 122310, § 25, 2006; Ord. 120927 § 18, 2002; Ord. 113466 § 2(part), 1987.)

23.60.782 - Special uses permitted on waterfront lots in the UG Environment.

The following uses may be authorized on waterfront lots in the UG Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

A. Airports, water-based;

B. High-impact uses that are water-dependent or water-related;

C. Shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and

4. Landfill which creates dry land:

a. When the dry land is necessary for the operation of a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113466 § 2(part), 1987.)

23.60.784 - Conditional uses permitted on waterfront lots in the UG Environment.

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Artist studio/dwellings.

(Ord. 118793 § 36, 1997; Ord. 113764 § 1(part), 1987: Ord. 113466 § 2(part), 1987.)

23.60.786 - Prohibited principal uses on waterfront lots in the UG Environment.

The following uses are prohibited as principal uses on waterfront lots in the UG Environment:

A. Residential uses except artist studio/dwellings;

B. The following commercial uses:

1. Automotive sales and service uses,

2. Lodging uses, and

3. Mortuary services;

C. The following transportation facilities:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminals, non-water-dependent,

4. Cargo terminals, non-water-dependent,

5. Bus bases,

6. Helistops,

7. Heliports, and

8. Airports, land-based;

D. The following utilities:

1. Major communication utility,

2. Solid waste management, non-water-dependent,

3. Recycling uses,

4. Power plants,

5. Sewage treatment plants, and

6. Freestanding transmission towers for minor communication utilities;

E. Agricultural uses except aquaculture; and

F. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

(Ord. 122310, § 26, 2006; Ord. 120927 § 19, 2002; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.788 - Permitted uses on upland lots in the UG Environment.

The following uses are permitted on upland lots in the UG Environment:

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots are permitted outright on upland lots.

2. Additional uses permitted outright:

a. Automotive sales and services; and

b. Parking, principal use.

B. Uses Permitted as Special Uses.

1. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

2. Additional uses permitted as special uses:

a. Artist studio/dwelling.

(Ord. 122310, § 27, 2006; Ord. 113466 § 2(part), 1987.)

23.60.790 - Prohibited uses on upland lots in the UG Environment.

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.788.

(Ord. 113466 § 2(part), 1987.)

23.60.795 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 shall also be permitted outright, permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 21, 1997.)

Part 2 Development Standards

23.60.810 - Development standards for the UG Environment.

All developments in the Urban General Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.812 - Height in the UG Environment.

A. Maximum Height. The maximum height in the UG Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 20, 2002; Ord. 120117 § 47, 2000; Ord. 113466 § 2(part), 1987.)

23.60.814 - Lot coverage in the UG Environment.

Structures may occupy up to one hundred (100) percent of the lot area for either a waterfront lot or an upland lot.

(Ord. 113466 § 2(part), 1987.)

23.60.816 - View corridors in the UG Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair; and

3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

23.60.818 - Regulated public access in the UG Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XV - The Urban Industrial Environment

Part 1 Uses

23.60.840 - Uses permitted outright on waterfront lots in the UI Environment.
23.60.842 - Special uses permitted on waterfront lots in the UI Environment.
23.60.844 - Conditional uses on waterfront lots in the UI Environment.
23.60.846 - Council conditional uses on waterfront lots in the UI Environment.
23.60.848 - Principal uses prohibited on waterfront lots in the UI Environment.
23.60.850 - Permitted uses on upland lots in the UI Environment.
23.60.852 - Prohibited uses on upland lots in the UI Environment.
23.60.854 - Public facilities.
23.60.870 - Development standards for the UI Environment.
23.60.872 - Height in the UI Environment.
23.60.874 - Lot coverage in the UI Environment.
23.60.876 - View corridors in the UI Environment.
23.60.878 - Setbacks in the UI Environment.
23.60.880 - Development standards specific to water-related uses on waterfront lots in the UI Environment.
23.60.882 - Regulated public access in the UI Environment.

23.60.840 - Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as

either principal or accessory uses:

A. Existing dwelling units;

B. The following commercial uses:

1. Marine sales and services except sale and rental of small boats, boat parts and accessories,

2. Research and development laboratories,

3. Wholesale showrooms, and

4. Food processing and craft work, water-dependent or water-related;

C. The following storage uses:

1. Warehouses, and

2. Outdoor storage uses;

D. The following transportation facilities:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

4. Passenger terminals, water-dependent or water-related, and

5. Cargo terminals, water-dependent or water-related;

E. Streets, railroads and bridges;

F. The following utilities:

1. Utility lines,

2. Solid waste management uses, water-dependent or water-related,

3. Recycling uses, water-dependent or water-related,

4. Utility service uses whose operations require a shoreline location, and

5. Minor communication utilities, except freestanding transmission towers;

G. Manufacturing uses;

H. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and universities,

2. Shoreline recreation facilities of colleges and universities, and

3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;

I. High-impact uses, water-dependent or water-related;

J. Public facilities, water-dependent or water-related;

K. Shoreline recreation uses; and

L. Aquaculture.

(Ord. 122310, § 28, 2006; Ord. 120927 § 21, 2002; Ord. 113466 § 2(part), 1987.)

23.60.842 - Special uses permitted on waterfront lots in the UI Environment.

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are met:

A. Airports, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line, and

3. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists,

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.844 - Conditional uses on waterfront lots in the UI Environment.

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs which do not have eating and drinking establishments and recreational marinas when:

1.. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur, and

b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and

2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided that yacht, boat or beach clubs may have non-water-dependent facilities over water only when:

(1) The dry-land portion of the lot is less than fifty (50) feet in depth, and

(2) The location of such facilities on the dry-land portion of the lot is not feasible.

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts and accessories;

b. General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10)

percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

(Ord. 122310, § 29, 2006; Ord. 119971 § 1, 2000: Ord. 118793 § 37, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.846 - Council conditional uses on waterfront lots in the UI Environment.

A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:

1. Located in the Duwamish area;

2. A determination has been made, according to the process established in Section 23.60.066, Process for determination of feasible or reasonable alternative locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Shoreline Goals and Policies of the Seattle Comprehensive Plan, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

3. The plant is set back sixty (60) feet from the line of ordinary high water;

4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and

5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.

(Ord. 118793 § 38, 1997: Ord. 113466 § 2(part), 1987.)

23.60.848 - Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

A. Residential uses;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels,

3. Pet grooming,

4. Automotive sales and service,

5. Lodging,

6. Heavy commercial services,

7. Entertainment uses, and

8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;

C. The following transportation facility uses:

1. Parking, principal use,

2. Personal transportation services,

3. Passenger terminal, non-water-dependent,

4. Cargo terminal, non-water-dependent,

5. Transit vehicle bases,

6. Helistops, and

7. Heliports;

D. Mini-warehouses in the Duwamish Manufacturing/Industrial Center;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management, non-water-dependent,

3. Recycling uses, non-water-dependent,

4. Power plants,

5. Sewage treatment plants, located outside of the Duwamish area, and

6. Freestanding transmission towers for minor communication utilities;

F. High-impact uses, non-water-dependent;

G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

H. Public facilities not authorized pursuant to Section 23.60.854 and those that are neither water-dependent nor water-related;

I. Agricultural uses except aquaculture;

J. All open space uses except shoreline recreation; and

K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills

or other structures that are part of a natural beach protection system.

(Ord. 122310, § 30, 2006; Ord. 120927 § 22, 2002; Ord. 119971 § 2, 2000: Ord. 118663 § 22, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.850 - Permitted uses on upland lots in the UI Environment.

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

d. Parks and open space uses;

e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

f. All agricultural uses.

B. Uses permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special use on upland lots.

(Ord. 122310, § 31, 2006; Ord. 113466 § 2(part), 1987.)

23.60.852 - Prohibited uses on upland lots in the UI Environment.

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.850.

(Ord. 113466 § 2(part), 1987.)

23.60.854 - Public facilities.

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

(Ord. 118663 § 23, 1997.)

Part 2 Development Standards

23.60.870 - Development standards for the UI Environment.

All developments in the Urban Industrial Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

(Ord. 113466 § 2(part), 1987.)

23.60.872 - Height in the UI Environment.

A. Maximum Height. The maximum height shall be thirty-five (35) feet, except as modified by subsections B through D of this section.

B. Exceptions.

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.

2. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five (55) feet in the Ship Canal and up to eighty (80) feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.

C. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height set in subsections A and B of Section 23.60.632.

3. The following rooftop features may extend ten (10) feet above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen (15) percent of the roof area, or twenty (20) percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses; and

b. Mechanical equipment.

D. Bridges. Bridges may exceed the maximum height limit.

(Ord. 120927 § 23, 2002; Ord. 113466 § 2(part), 1987.)

23.60.874 - Lot coverage in the UI Environment.

A. Waterfront Lots. Structures may occupy up to one hundred (100) percent of both submerged and dry-land lot area of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of the lot area of an upland lot.

(Ord. 113466 § 2(part), 1987.)

23.60.876 - View corridors in the UI Environment.

A. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be

provided and maintained on all waterfront lots developed with a nonwater-dependent use or a mix of water-dependent or water-related uses and nonwater-dependent uses if the water-dependent or water-related use occupies less than fifty (50) percent of the dry-land portion of the lot.

B. A view corridor or corridors of not less than thirty-five (35) percent of the width of the lot shall be provided and maintained on all upland through lots which are adjacent to waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

1. Open wet moorage;

2. Storage of boats undergoing repair;

3. Parking which meets the criteria in subsection B3 of Section 23.60.162; and

4. Open storage accessory to a water-dependent or water-related use.

(Ord. 113466 § 2(part), 1987.)

23.60.878 - Setbacks in the UI Environment.

All nonwater-dependent uses including accessory structures and uses shall provide a sixty (60) foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty (20) feet in width.

(Ord. 113466 § 2(part), 1987.)

23.60.880 - Development standards specific to water-related uses on waterfront lots in the UI Environment.

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

(Ord. 113466 § 2(part), 1987.)

23.60.882 - Regulated public access in the UI Environment.

A. Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.

B. Private Property.

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Marinas, except as exempted in Section 23.60.200 E;

b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;

c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private property, except for yacht and boat clubs which have nonwater-dependent facilities over water and marinas, are not required to provide public access.

3. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XVI - Definitions

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23.60.900 - Definitions generally.

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapter 23.84A, which are also applicable to

this chapter. In the event that a definition in this chapter differs from a definition of the same term in Chapter 23.84A, the definition in this chapter shall apply in the Shoreline District.

(Ord. 122771, § 5, 2008; Ord. 122310, § 32, 2006; Ord. 113466 § 2(part), 1987.)

23.60.902 - "A."

"Airport, water-based" means a transportation facility used exclusively by aircraft which take off and land directly on the water.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

"Agriculture use" means the following uses:

Animal husbandry;

Aquaculture;

Horticulture.

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

"AWDT" means the twenty-four (24) hour average weekday traffic on a street as determined by the Director of Seattle Department of Transportation or the Director of the Department of Planning and Development in consultation with the Director of Seattle Department of Transportation.

(Ord. 122310, § 33, 2006; Ord. 121477 § 41, 2004; Ord. 118793 § 39, 1997; Ord. 118409 § 205, 1996: Ord. 113466 § 2(part), 1987.)

23.60.904 - "B."

"Boat or Beach Club." See "Yacht club."

"Beach, Class I" means an accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at mean higher high water.

"Beach, Class II" means a marginal erosion beach characterized by not having a stable and dry backshore above mean higher high water. Class II beaches are usually located at the foot of gravel-containing banks and bluffs that supply the upper foreshore with beach material.

"Beach, Class III" means an erosional beach on which it is not possible to walk at mean higher high water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave-cut below to mean higher high water level.

"Breakwater" means a protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

"Bridge" means a structure carrying a path, street, or railway over-water, and necessary support and

accessory structures.

"Bulkhead" means a retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.

(Ord. 113466 § 2 (part), 1987.)

23.60.906 - "C."

"Cargo, breakbulk" means cargo packed in separate packages or individual pieces of cargo and loaded, stored and unloaded individually.

"Cargo, containerized" means cargo packed in a large (typically eight (8) feet by eight (8) feet by twenty (20) feet)) trunklike box and loaded, stored and unloaded as a unit.

"Cargo, neo-bulk" means cargo which has historically been classified as generalized cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in specialized vessels.

"Cargo terminal" means a transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

"Clerestory" means an outside wall of a room or building that rises above an adjoining roof and contains windows.

"Commercial use" means the following uses:

- General retail sales and services;
- Heavy sales and services;
- Eating and drinking establishments;
- Lodging;
- Offices;
- Entertainment;
- Automotive sales and services;
- Marine sales and services;
- Animal shelters and kennels;
- Food processing and craft work;
- Medical services;
- Research and development laboratories.

"Commercial moorage" means a parking and moorage use in which a system of piers, buoys, or floats

is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

"Conditional use" means a use identified in this chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this chapter the term "conditional use" without modification shall mean Shoreline Conditional Use.

(Ord. 122310, § 34, 2006; Ord. 120927 § 24, 2002; Ord. 113466 § 2(part), 1987.)

23.60.908 - "D."

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title at any water level.

"Development standards" means regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

"Development, Substantial." See "Substantial development."

"Director" means the Director of the Department of Planning and Development of The City of Seattle.

"Drift sill" means a structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

"Dry land" means land at an elevation above the line of ordinary high water or mean higher high water.

"Dry boat storage" means a parking and moorage use, in which space on a lot on dry land or inside a building over water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

(Ord. 122310, § 35, 2006; Ord. 121276 § 26, 2003; Ord. 113466 § 2(part), 1987.)

23.60.910 - "E."

"Extreme low tide" means the lowest line on land reached by a receding tide.

(Ord. 113466 § 2(part), 1987.)

23.60.912 - "F."

"Fair market value" of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake

the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

"Fairway" means all navigable waters within the corporate limits or within the jurisdiction and control of the City, except waters over privately owned or privately controlled property, including but not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

A. All of Elliott Bay, lying easterly of a straight line drawn from Alki Point to West Point;

B. All of the East and West Waterways;

C. All of the Duwamish River;

D. All of the Duwamish Waterway Project;

E. All of Salmon Bay;

F. All of Portage Bay;

G. All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States;

H. All of Lake Union;

I. All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction and control of the City;

J. All of that portion of Shilshole Bay, lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the City with the outer harbor line;

K. All that portion of Puget Sound, lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the City with the outer harbor line.

"Floating home" means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

"Floating home moorage" means a residential use consisting of a waterfront facility for the moorage of one (1) or more floating homes and the land and water premises on which the facility is located.

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one (1) floating home.

(Ord. 118793 § 40, 1997; Ord. 113466 § 2(part), 1987.)

23.60.914 - "G."

"Groin" means a wall-like structure built seaward from the shore to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.

(Ord. 113466 § 2(part), 1987.)

23.60.916 - "H."

"High-impact Use." As defined in Chapter 23.84, Definitions.

"Historic ship" means a vessel, whether able to move under its own power or not, that has been designated by the Landmark Preservation Board as historic or listed on the National Register of Historic Places.

"House barge" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.

(Ord. 116051 §2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.918 - "I."

"Institutions" means the following uses:

- Institute for advanced study;
- Private club;
- Child care center;
- Museum;
- School, elementary or secondary;
- College;
- Community club and center;
- Community club;
- Vocational or fine arts school;
- Hospital;
- Religious facility.

(Ord. 122310, § 36, 2006; Ord. 113466 § 2(part), 1987.)

23.60.920 - "J."

"Jetty" means an artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

(Ord. 113466 § 2(part), 1987.)

23.60.922 - "K."

Reserved.

(Ord. 113466 § 2(part), 1987.)

23.60.924 - "L."

"Landfill" means sand, soil, gravel or other material deposited onto a shoreland area, or into the water over a submerged area.

"Lot" means a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings including piers, floats and drydocks, expressed as a percentage of the total lot area.

"Lot, upland" means a lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

"Lot, upland through" means an upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

"Lot, waterfront" means a lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government-owned or controlled property which prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot. For purposes of determining the appropriate use and development standards applicable to developments in railroad or street rights-of-way, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

(Ord. 117789 § 6, 1995; Ord. 113466 § 2(part), 1987.)

23.60.926 - "M."

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

- Light manufacturing;
- General manufacturing;
- Heavy manufacturing.

"Marina, recreational" means a parking and moorage use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

"Marine sales and service" means a commercial use that includes one (1) or more of the following uses:

- Sale or rental of large boats;
- Marine service station;
- Major or minor vessel repair;
- Sale and rental of small boats, boat parts and accessories.

"Marine service station" means a marine sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

"Master Program." See "Shoreline Master Program."

"Mean higher high water (MHHW)" means the tidal elevation determined by averaging the higher of each day's two (2) high tides at a particular location over recorded history.

"Mean lower low water (MLLW)" means the 0.0 tidal elevation. It is determined by averaging the lower of each day's two (2) low tides, at a particular location over recorded history.

"MHHW." See "Mean higher high water."

"MLLW." See "Mean lower low water."

"Monitor" means a raised, central portion of a roof having low windows or louvers for light and air.

"Moorage, covered" means a pier or system of floating or fixed accessways covered with a roof, to which boats on water may be secured.

"Moorage, open" means an uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

"Moorage, transient" means moorage available to the public, generally for a fee, on a short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

"Moorage walkway" means the pier, float(s) or combination of pier and float(s) designed and used to give pedestrian access from the land to floating home sites at a floating home moorage. Ramps which provide access to individual floating homes are not moorage walkways.

"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

(Ord. 122310, § 37, 2006; Ord. 113466 § 2(part), 1987.)

23.60.928 - "N."

"Natural beach protection" means naturally regenerating systems designed and used to prevent and control beach erosion.

"Navigational aid" means a structure used to guide or position ships and boats or to warn of

navigational hazards, including but not limited to buoys, beacons, and light towers.

"Nonwater-dependent use" means a use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included: Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

(Ord. 113466 § 2(part), 1987.)

23.60.930 - "O."

"Offshore facilities" means any facilities, seaward of the outer harbor line, floating or supported on a pier or piers, used to transfer or assemble materials or for construction purposes, except aquacultural facilities and structures, research and scientific monitoring facilities.

"Open space" means land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreational opportunities, conserving natural resources and structuring urban development and form.

"Ordinary high water mark" means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by the Director or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(Ord. 113466 § 2(part), 1987.)

23.60.932 - "P."

"Pier" means a structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

"Pier, accessory to residential structures" means a structure for swimming or for landing and open wet moorage of watercraft accessory to single-family or multifamily residential structures.

"Pier, finger or spur" means a minor extension from a primary pier.

"Public facility" means a facility owned, operated or franchised by a unit of general or special purpose government for public purposes.

(Ord. 118793 § 41, 1997; Ord. 113466 § 2(part), 1987.)

23.60.934 - "R."

"Railroad" means a public or private right-of-way on which tracks for trains are constructed. Railroad

yards and stations shall be classified as cargo or passenger terminals.

"Regulated public access" means provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serving as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.

"Residential use" means the following uses:

- Artist's studio/dwelling;
- Assisted living facility;
- Caretaker's quarters;
- Floating home;
- Mobile home park;
- Multifamily structure;
- Single-family dwelling unit;
- Congregate residence.

"Riprap" means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

(Ord. 122310, § 38, 2006; Ord. 118793 § 42, 1997; Ord. 113466 § 2(part), 1987.)

23.60.936 - "S."

"Sale and/or rental of large boats" means a marine sales and service use in which boats sixteen (16) feet or more in length are rented or sold.

"Sale and rental of small boats, boat parts and accessories" means a marine sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology.

"Shoreline conditional use" means uses identified as such in this chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts and conditions are found to exist.

"Shoreline Master Program" means the comprehensive use plan for the shorelines of the city which

consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan and the specific regulations of this chapter.

"Shoreline protective structures" means a bulkhead, riprap, groin, revetment, natural beach protection or other structure designed to prevent destruction of or damage to the existing shoreline by erosion or wave action.

"Shoreline recreation" means an open-space use which consists of a park or parklike area which provides physical or visual access to the water. The following and similar uses are included: fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps, bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and bathhouses.

"Shoreline special use" means uses identified as such in this chapter which may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60.032 are found to exist.

"Shoreline variance" means a modification of the regulations of this chapter when authorized by the Director and approved by the Department of Ecology after a finding that the literal interpretation and strict application of the provisions of this chapter would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot in the Shoreline District.

"Shorelines" means all the water areas of the City and their associated shorelands, together with the lands underlying them, except:

A. Shorelines of statewide significance;

B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and

C. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

"Shorelines of Statewide Significance." The following shorelines of the City are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

A. Those areas of Puget Sound and adjacent salt waters lying seaward from the line of extreme low tide;

B. Lake Washington;

C. The Duwamish River;

D. Those shorelands associated with subdivisions B and C of this subsection.

"Shorelines of the City" means the total of all "shorelines" and z"shorelines of statewide significance" within the City.

"Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers, floats and drydocks, but not including poles, flower-bed frames and other minor incidental improvements, or vessels.

"Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars ($2,500), except as otherwise provided in Section 23.60.020 C7b, or any development which materially interferes with the normal public use of the water or shorelines of the City.

"Submerged land" means all lands waterward of the ordinary high water or mean higher high water, whichever is higher.

(Ord. 122310, § 39, 2006; Ord. 118793 § 43, 1997; Ord. 118408 § 11, 1996; Ord. 117789 § 7, 1995; Ord. 116325 § 6, 1992; Ord. 113466 § 2(part), 1987.)

23.60.938 - "T."

"Transportation facilities" means the following uses:

- Rail transit facilities;
- Vehicle storage and maintenance;
- Air transportation facilities;
- Cargo terminal;
- Passenger terminal;
- Parking and moorage; and
- Tugboat services.

"Tugboat services" means a transportation facility use that consists of moorage for more than one (1) tugboat and dispatch offices, except that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages are not tugboat services and are classified as cargo terminals.

(Ord. 122310, § 40, 2006; Ord. 113466 § 2(part), 1987.)

23.60.940 - "U."

"Use" means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this chapter, uses shall also include activities and structures which modify the land, such as dredging, landfill, breakwaters, shoreline protective structures, and utility lines.

"Use, accessory" means a use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

"Use, principal" means any use, whether a separate business establishment or not, which has a separate and distinct purpose and function from other uses on the lot.

"Use, Water-dependent." See "Water-dependent use."

"Utilities" means the following uses:

- Communication utility;
- Utilities service uses;
- Solid waste management;
- Recycling;
- Sewage treatment plant;
- Power plant; and
- Utility lines.

"Utility extension, limited" means the extension of a utility service that: (1) is categorically exempt under Chapter 43.21C RCW for one (1) or more of the following: natural gas, electricity, telephone, water, or sewer; (2) will serve an existing use in compliance with this chapter; and (3) will not extend more than two thousand five hundred (2,500) linear feet within the shoreline areas subject to this chapter.

"Utility lines" means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

(Ord. 122310, § 41, 2006; Ord. 118793 § 44, 1997; Ord. 113466 § 2(part), 1987.)

23.60.942 - "V."

"Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

"Vessel repair, major" means a marine retail sales and service use in which one (1) or more of the following activities take place:

1. Repair of ferrous hulls;

2. For ships or boats one hundred twenty (120) feet in length, any one (1) or more of the following activities:

   a. Repair of nonferrous hulls,

   b. Conversion,

   c. Rebuilding,

   d. Dismantling, and

   e. Exterior painting.

"Vessel repair, minor" means a marine retail sales and service use in which one (1) or more of the following activities takes place:

1. General boat engine and equipment repair;

2. The replacement of new or reconditioned parts;

3. Repair of nonferrous boat hulls under one hundred twenty (120) feet in length;

4. Painting and detailing; and

5. Rigging and outfitting; but not including any operation included in the definition of "Vessel repair, major."

"View corridor" means an open-air space on a lot affording a clear view across the lot to the water from the abutting street.

(Ord. 113466 § 2(part), 1987.)

23.60.944 - "W."

"Water-dependent use" means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

"Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

"Watershed restoration plan" means a plan developed or sponsored by the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21 RCW, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one (1) or more of the following activities:

A. A project that involves less than ten (10) miles of streamreach, in which less that twenty-five (25) cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

B. A project for the restoration of an eroded or unstable stream bank that employs the principles of

bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

"Waterway" means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the most current version of the "Washington State Wetlands Identification and Delineation Manual" as adopted by the State Department of Ecology.)

"Wildlife" means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

(Ord. 118793 § 45, 1997; Ord. 117789 § 8, 1995; Ord. 113466 § 2(part), 1987.)

23.60.946 - "Y."

"Yacht, boat and beach clubs" means institutional uses classified as either private clubs or community clubs which consist of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is primarily restricted to members and their guests. Membership may be either open to the public through a membership fee only (community clubs) or by initiation and election according to qualifications in the club's Charter or bylaws (private clubs).

(Ord. 113466 § 2(part), 1987.)

Subchapter XVII - Measurements

23.60.950 - Measurements in the Shoreline District.
23.60.952 - Height.
23.60.954 - View corridors.
23.60.956 - Calculation of lot depth.
23.60.958 - Calculation of percent of a lot occupied by a specific use.
23.60.960 - Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.
23.60.962 - Calculation of lot width for piers accessory to residential development.

23.60.950 - Measurements in the Shoreline District.

Measurements of height, view corridors, lot coverage, and other shoreline requirements in the Shoreline District shall be as described in this subchapter. These measurement regulations supplement other regulations of this title as described in Section 23.60.014. When a development is partly within and partly without the Shoreline District, measurement techniques for that portion of the development outside of the Shoreline District shall be as required in the underlying zoning.

(Ord. 118793 § 46, 1997: Ord. 113466 § 2(part), 1987.)

23.60.952 - Height.

Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development to the highest point of the structure not otherwise excepted from the height limits. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

(Ord. 118793 § 47, 1997: Ord. 113466 § 2(part), 1987.)

23.60.954 - View corridors.

When a view corridor is required, it shall be provided according to the development standards set forth in Section 23.60.162 using the following measurement techniques:

A. The width of the view corridor or corridors shall be determined by calculating the required percent of the width of the lot at the street or upland lot line;

B. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors;

C. When a lot is bounded by more than one (1) street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the

predominant view of the water and the availability of actual views of the water.

(Ord. 113466 § 2(part), 1987.)

23.60.956 - Calculation of lot depth.

In certain environments, regulation of development differs according to the depth of the dry-land portion of the lot. To qualify for some special regulations, a lot must have less than fifty (50) feet of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty (30) feet but at least fifteen (15) feet of dry land.

A. A lot shall be determined by the Director to have a depth of less than fifty (50) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifty (50) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty (50) feet of dry land, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and

2. A straight line, parallel to and fifteen (15) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses dry land for more than fifty (50) percent of its distance; and

3. A straight line, parallel to and thirty (30) feet waterward of the street or railroad right-of-way and extending between two (2) lot lines, crosses submerged land for more than fifty (50) percent of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine whether the lot has a depth of less than thirty (30) feet but at least fifteen (15) feet of dry land, based on the intent of the Shoreline Master Program.

(Ord. 116325 § 7, 1992; Ord. 113466 § 2(part), 1987.)

23.60.958 - Calculation of percent of a lot occupied by a specific use.

The following measurement techniques shall be used to calculate the percentage of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District

including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one (1) use, the amount of the structure's footprint allocated to any one (1) use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one (1) use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times C / D$$

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.

(Ord. 116791 § 1, 1993; Ord. 116398 § 3, 1992; Ord. 116325 § 8, 1992; Ord. 113466 § 2(part), 1987.)

23.60.960 - Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.

The following measurement techniques shall be used to calculate the percent of a lot occupied by a water-dependent use for the purpose of qualifying for water-dependent incentive review.

A. For purposes of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the State Department of Natural Resources that is developed or proposed to be developed.

B. All lot area occupied by a water-dependent use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one (1) use, the percent of floor space of the structure occupied by the water-dependent use shall be used to calculate the percent of the footprint allocated to that use;

2. The area of any required accessory parking spaces including aisles and turning areas;

3. The area of any moorage in excess of the required moorage; including piers, floats, dockage areas, channels and turning basins;

4. The area occupied by any storage accessory to the water-dependent use.

C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.

D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand (1,000) lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand (1,000) lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.

E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in subsection B above by the lot area given in subsection A above times one hundred (100).

F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

G. To calculate the percent of area occupied by a category of use such as non-water-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.

(Ord. 113466 § 2(part), 1987.)

23.60.962 - Calculation of lot width for piers accessory to residential development.

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of subsection B3 of Section 23.60.204:

A. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.

B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master

Program.
(Ord. 113466 § 2(part), 1987.)

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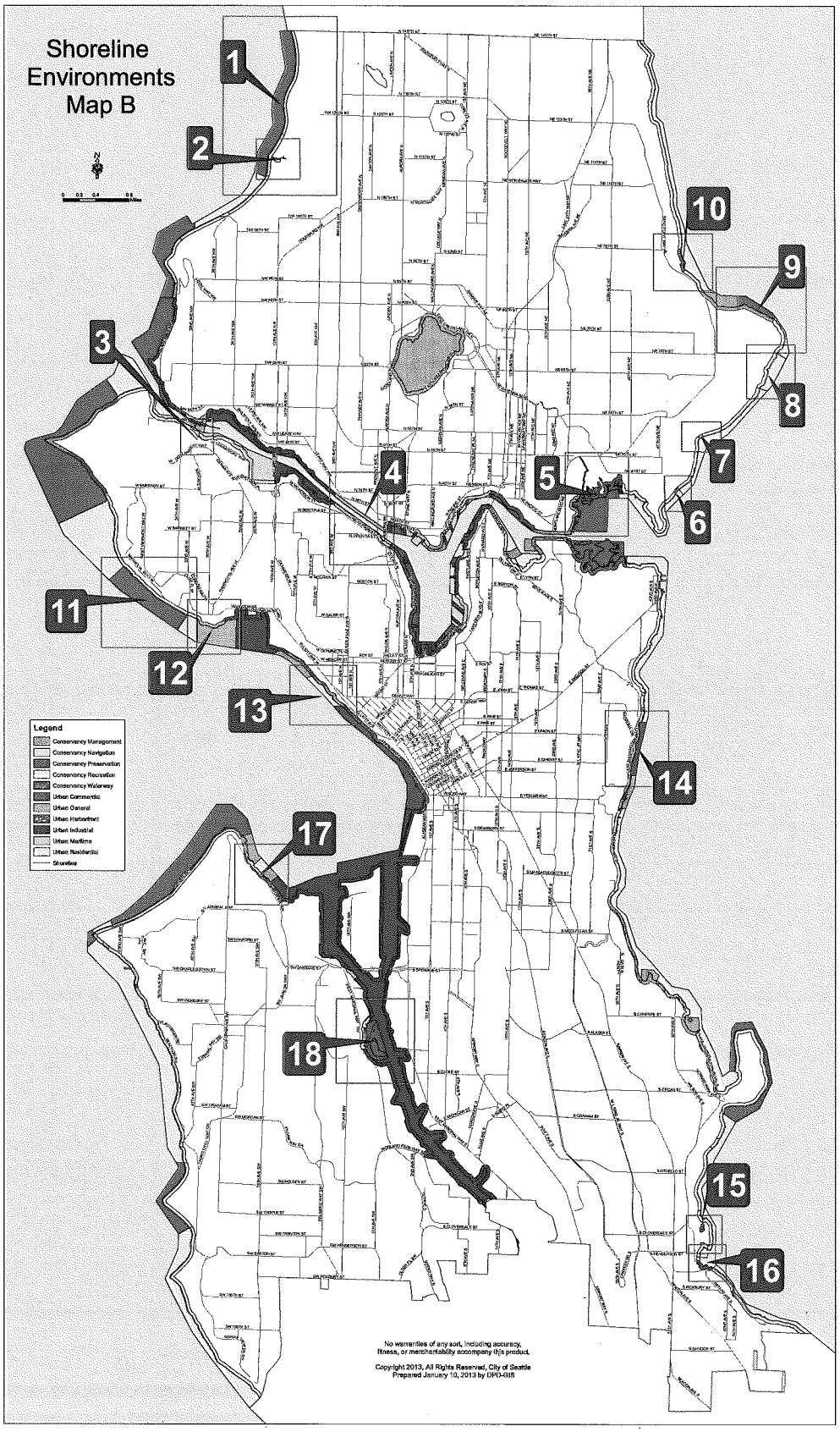

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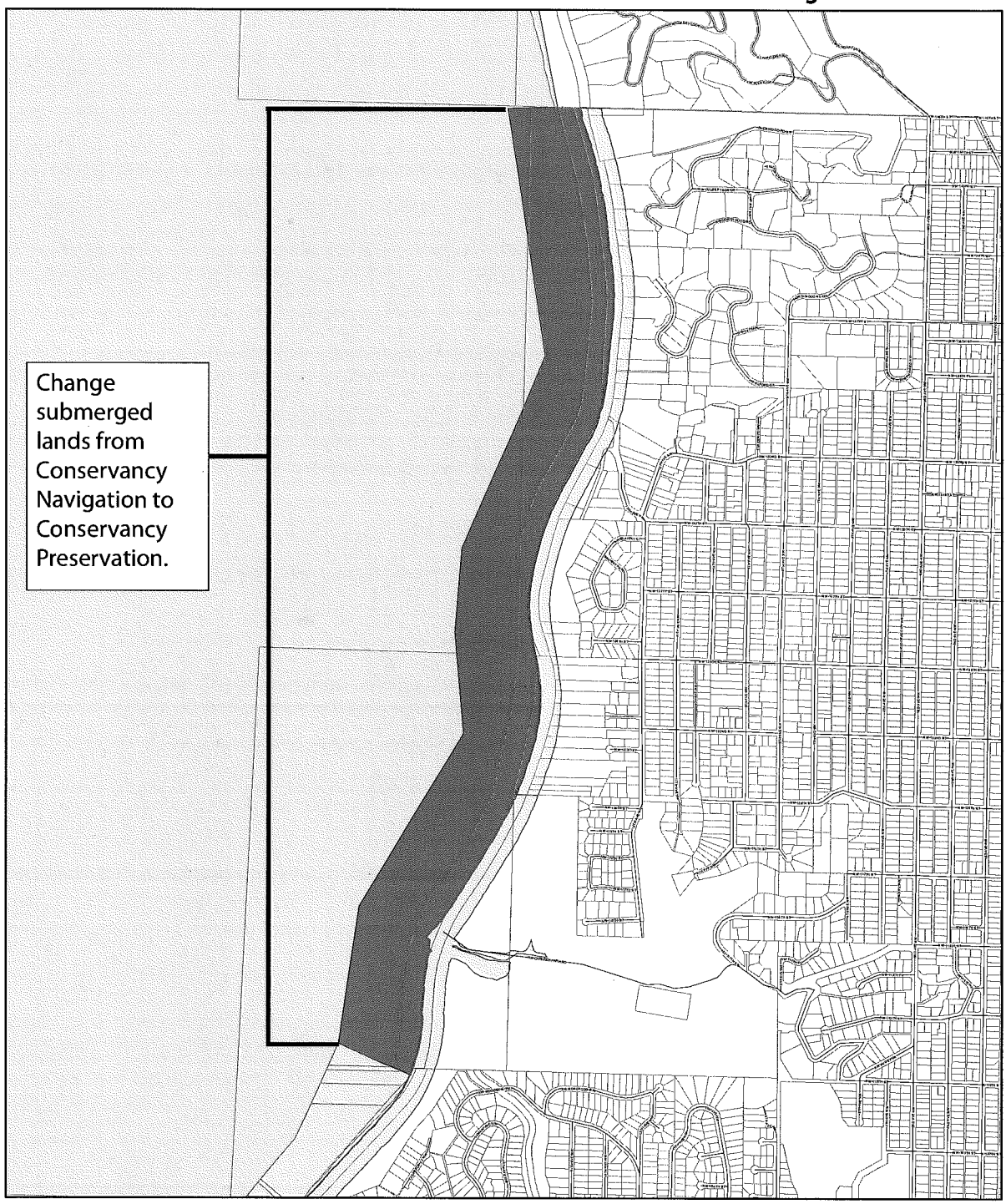
MAP B1 **Shoreline Environments** **Official Land Use Map Pages 1 & 10**



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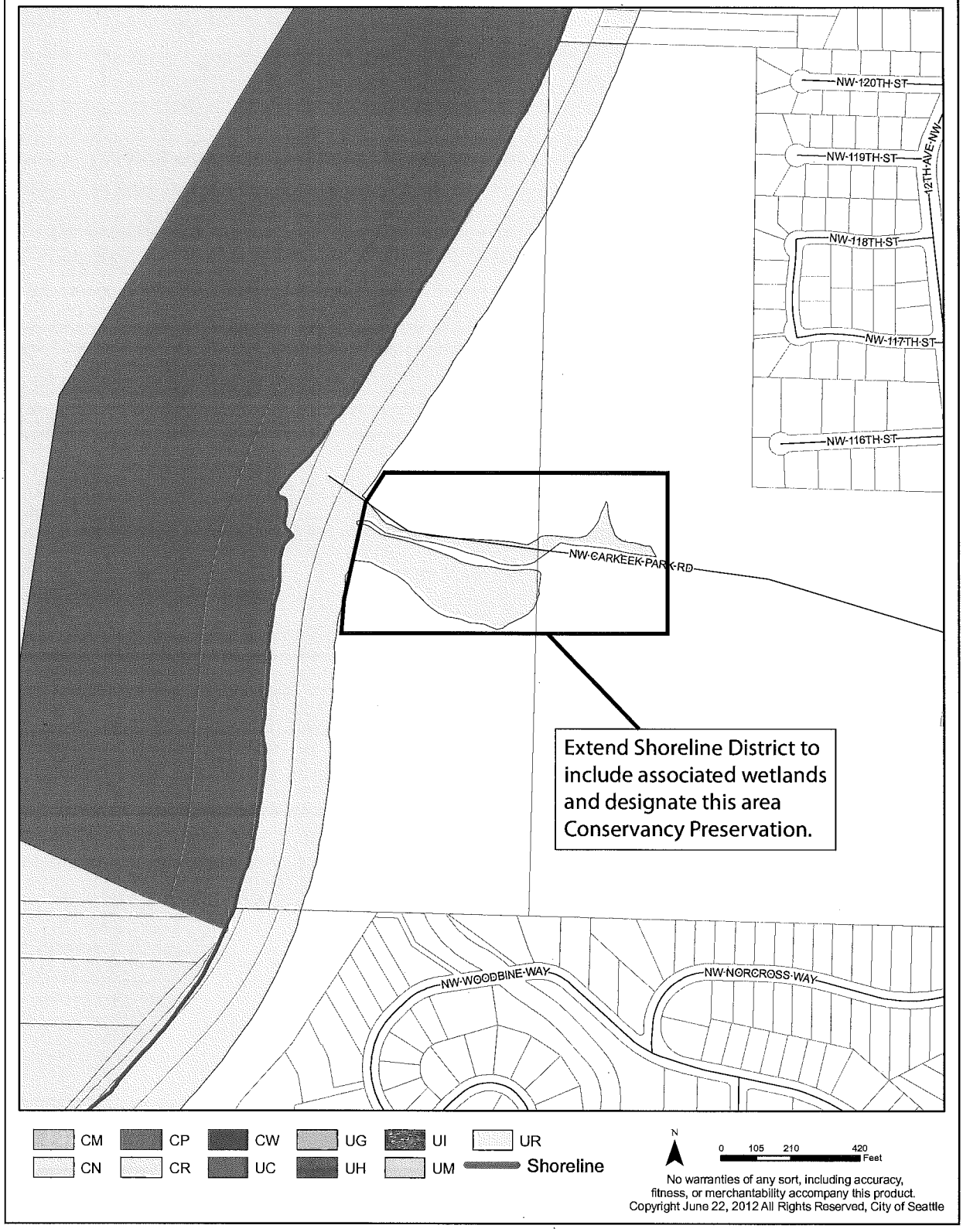
MAP B2 **Shoreline Environments** **Official Land Use Map Page 10**



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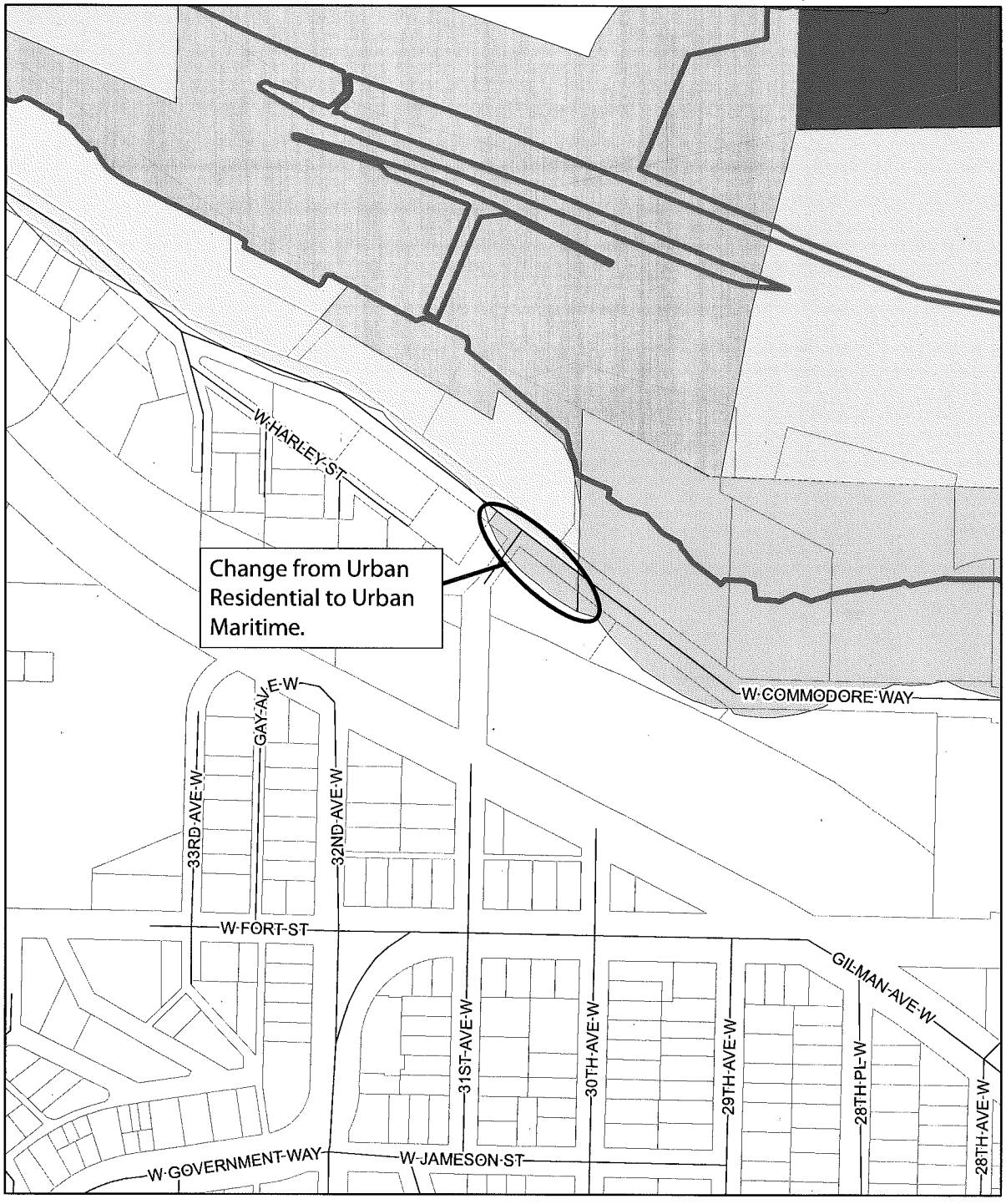
MAP B3 **Shoreline Environments** **Official Land Use Map Pages 52 & 53**



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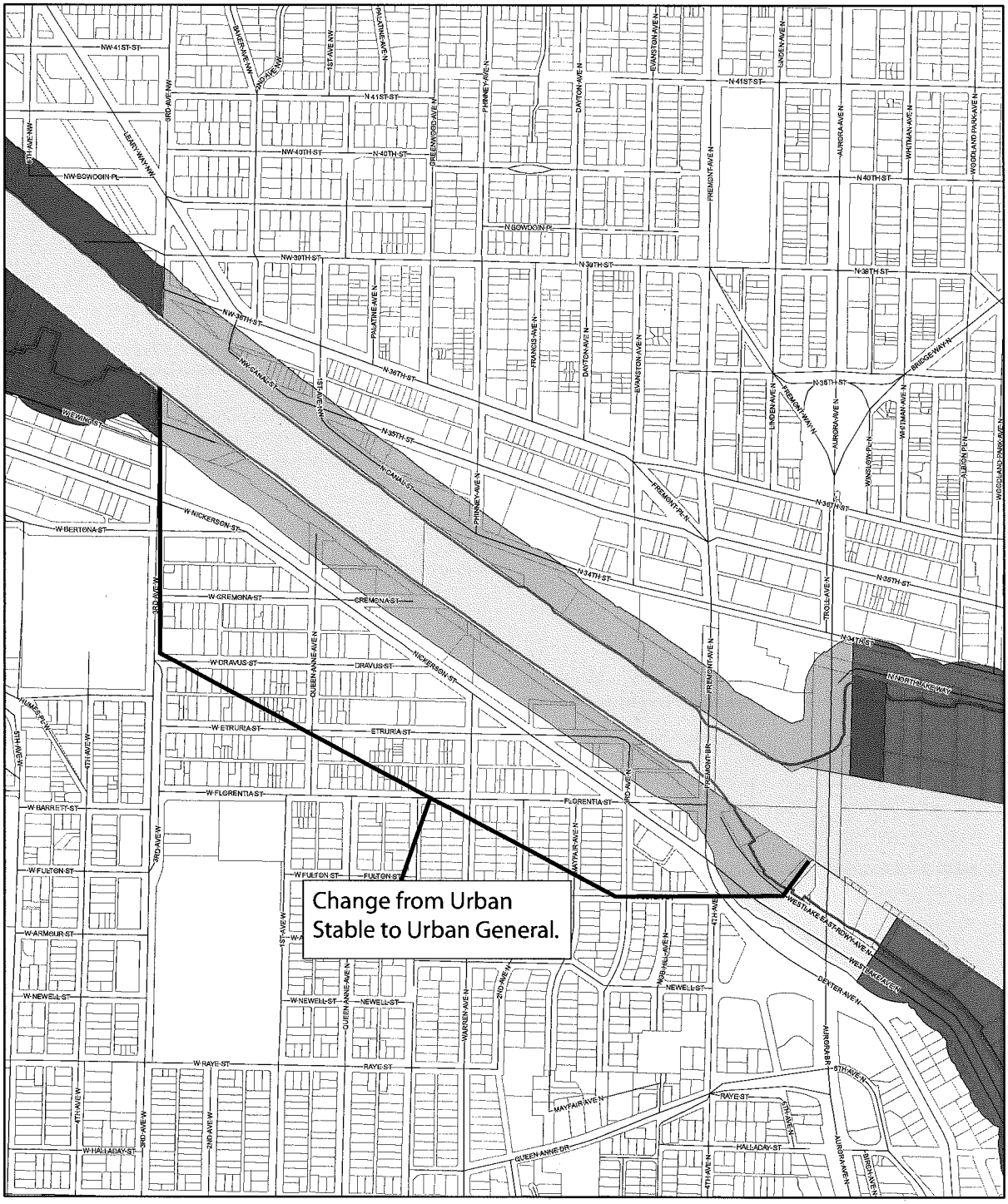
MAP B4 Shoreline Environments

Official Land Use Map
Pages 74 & 75



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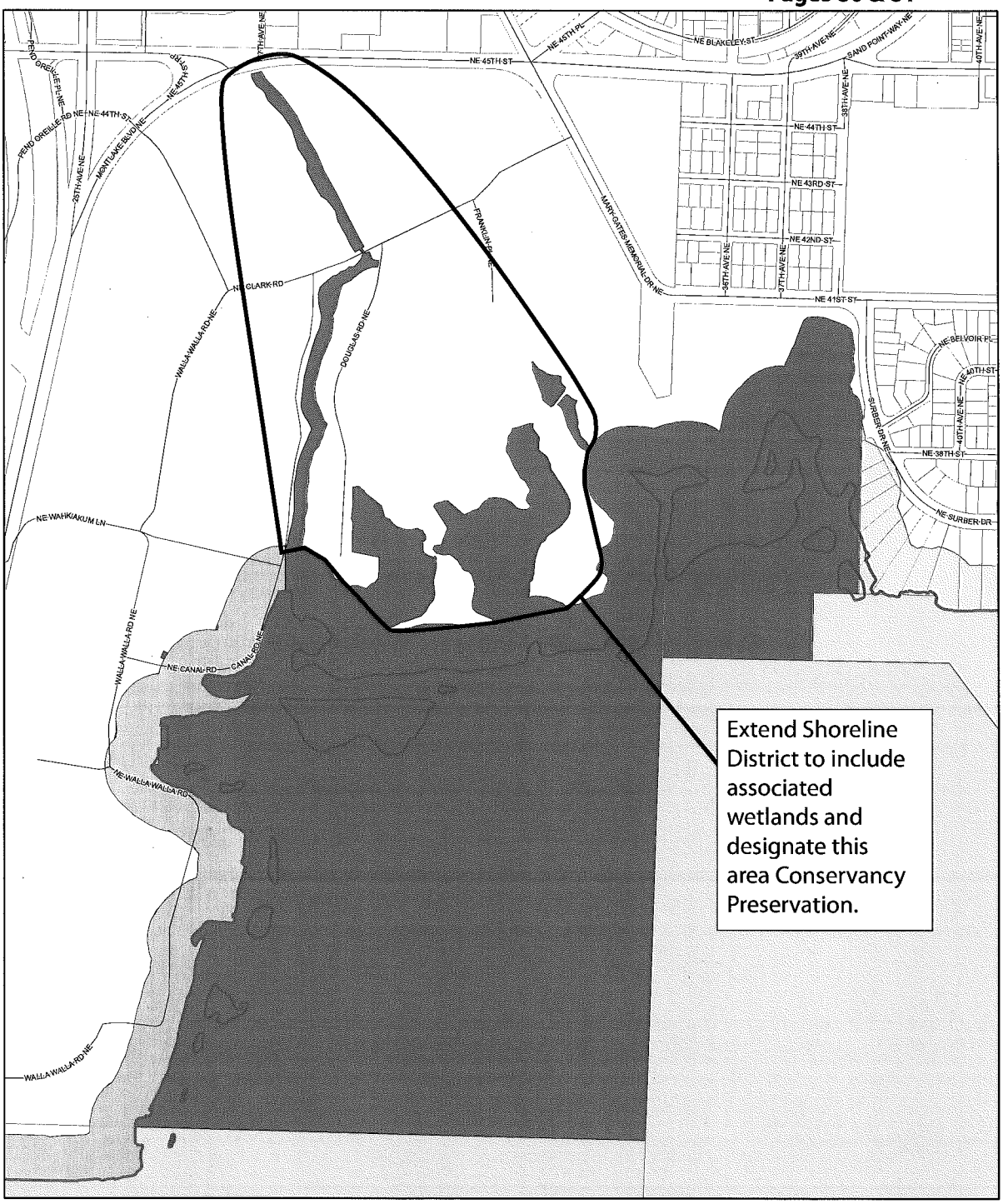
MAP B5 **Shoreline Environments** **Official Land Use Map Pages 80 & 81**



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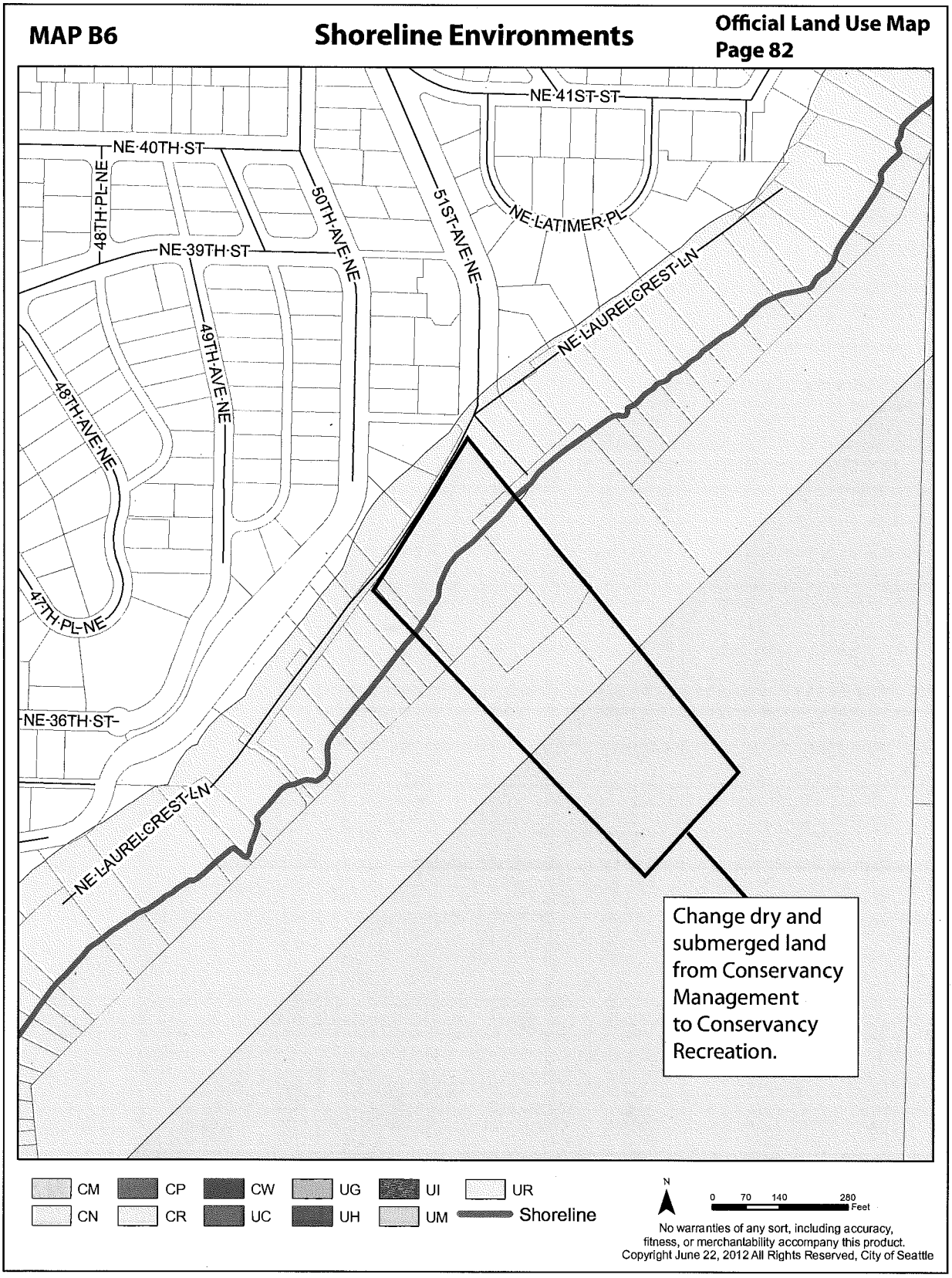
MAP B6
Shoreline Environments
Official Land Use Map
Page 82
NE 41ST ST
NE 40TH ST
48TH PL NE
50TH AVE NE
51ST AVE NE
NE LATIMER PL
NE 39TH ST
49TH AVE NE
48TH AVE NE
NE LAUREL CREST LN
47TH PL NE
NE 36TH ST
Change dry and submerged land from Conservancy Management to Conservancy Recreation.
CM
CN
CP
CR
CW
UC
UG
UH
UI
UM
UR
Shoreline
N
0 70 140 280
Feet
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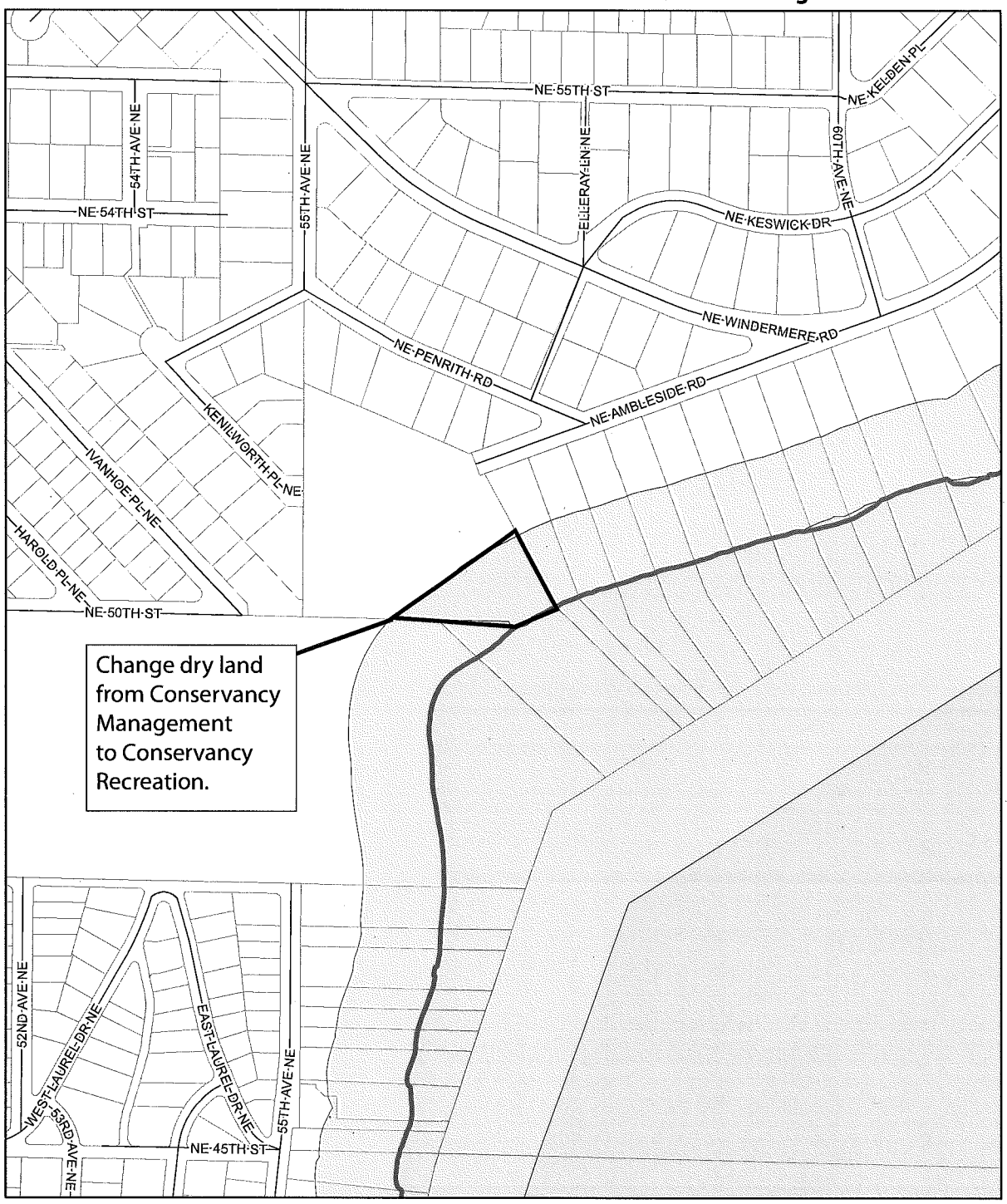
MAP B7 **Shoreline Environments** **Official Land Use Map Page 65**



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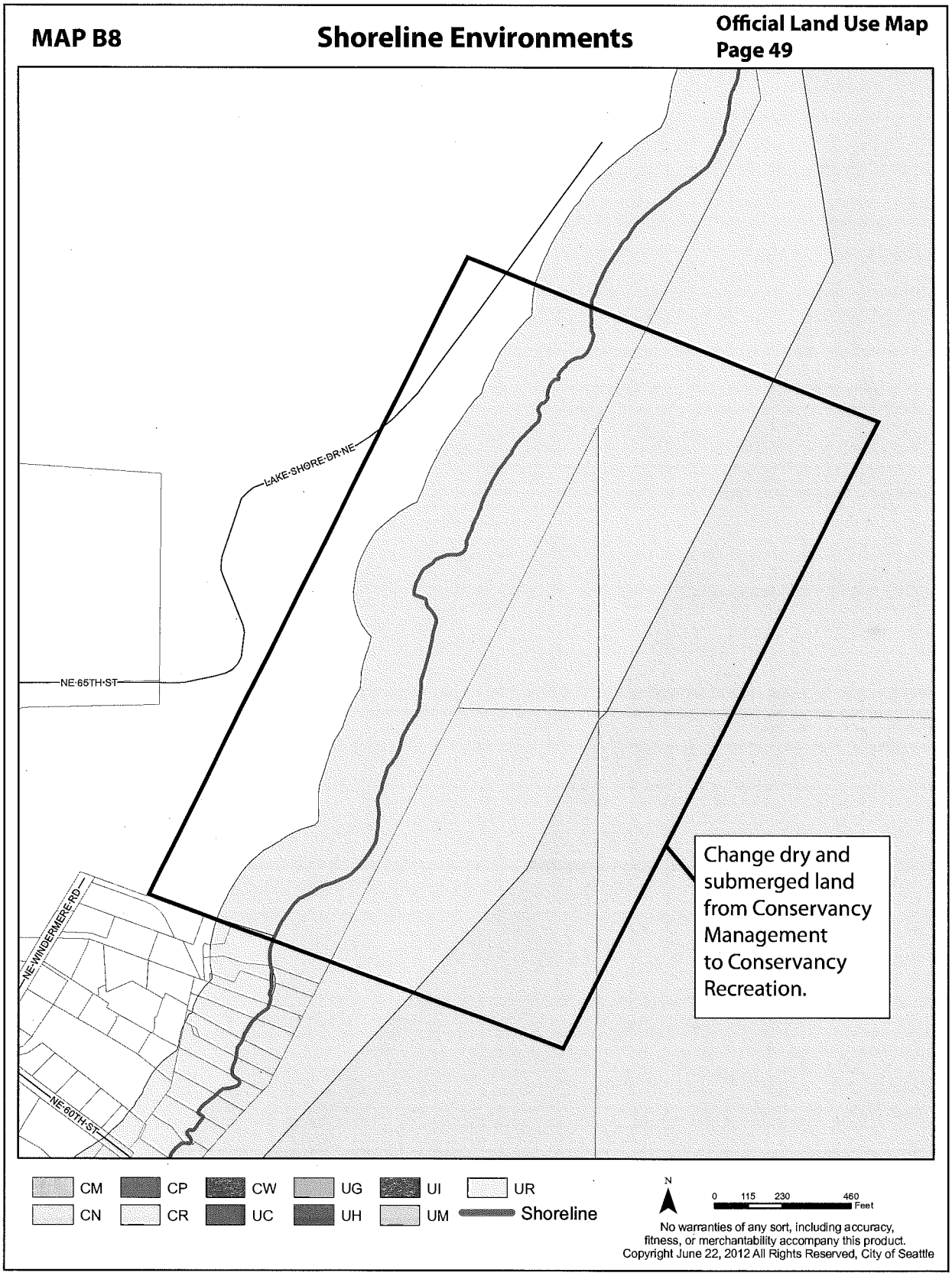
MAP B8
Shoreline Environments
Official Land Use Map
Page 49
LAKE SHORE DR NE
NE 65TH ST
NE WINDERMERE RD
NE 60TH ST
Change dry and submerged land from Conservancy Management to Conservancy Recreation.
CM
CP
CW
UG
UI
UR
CN
CR
UC
UH
UM
Shoreline
N
0 115 230 460
Feet
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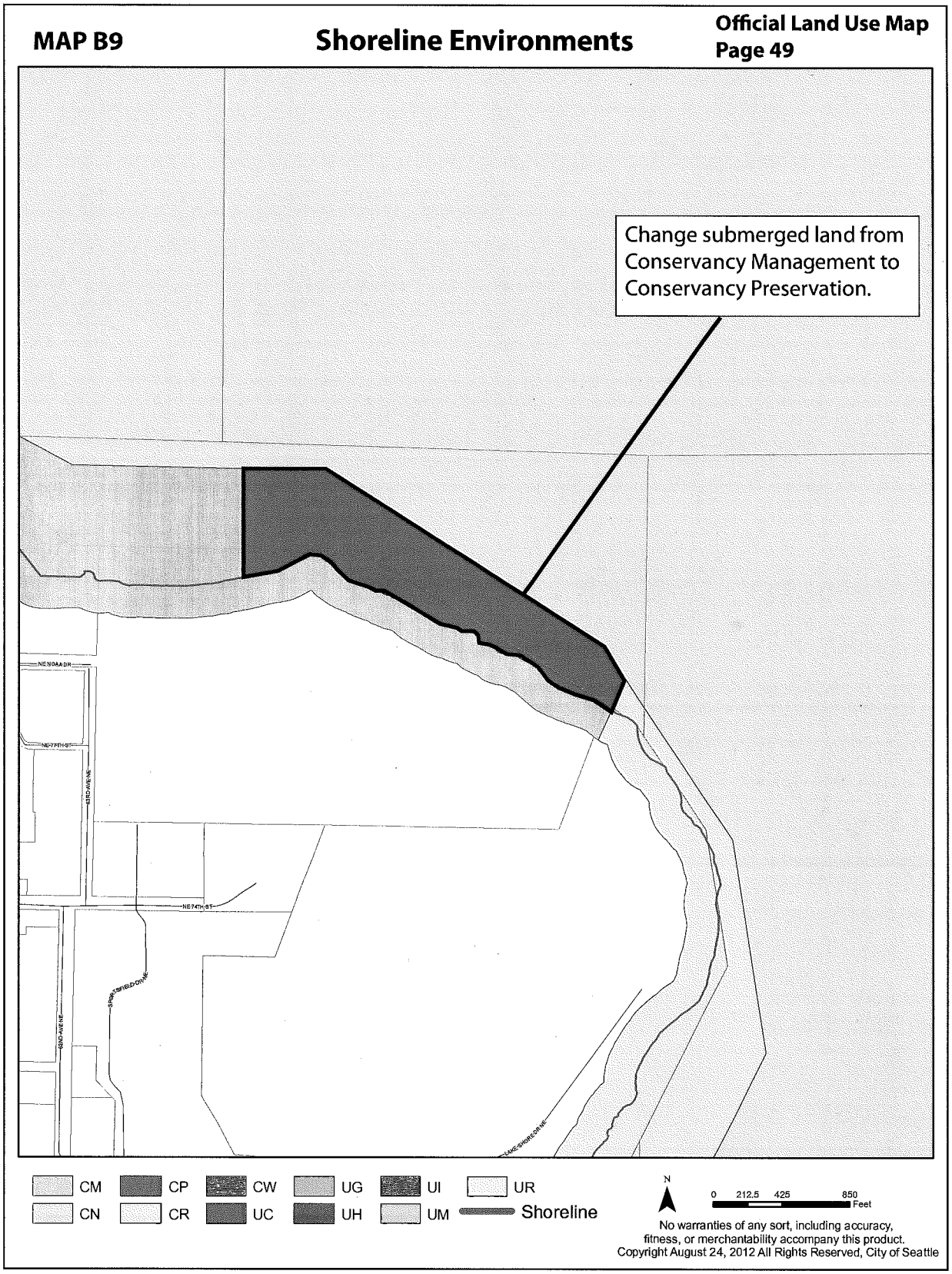

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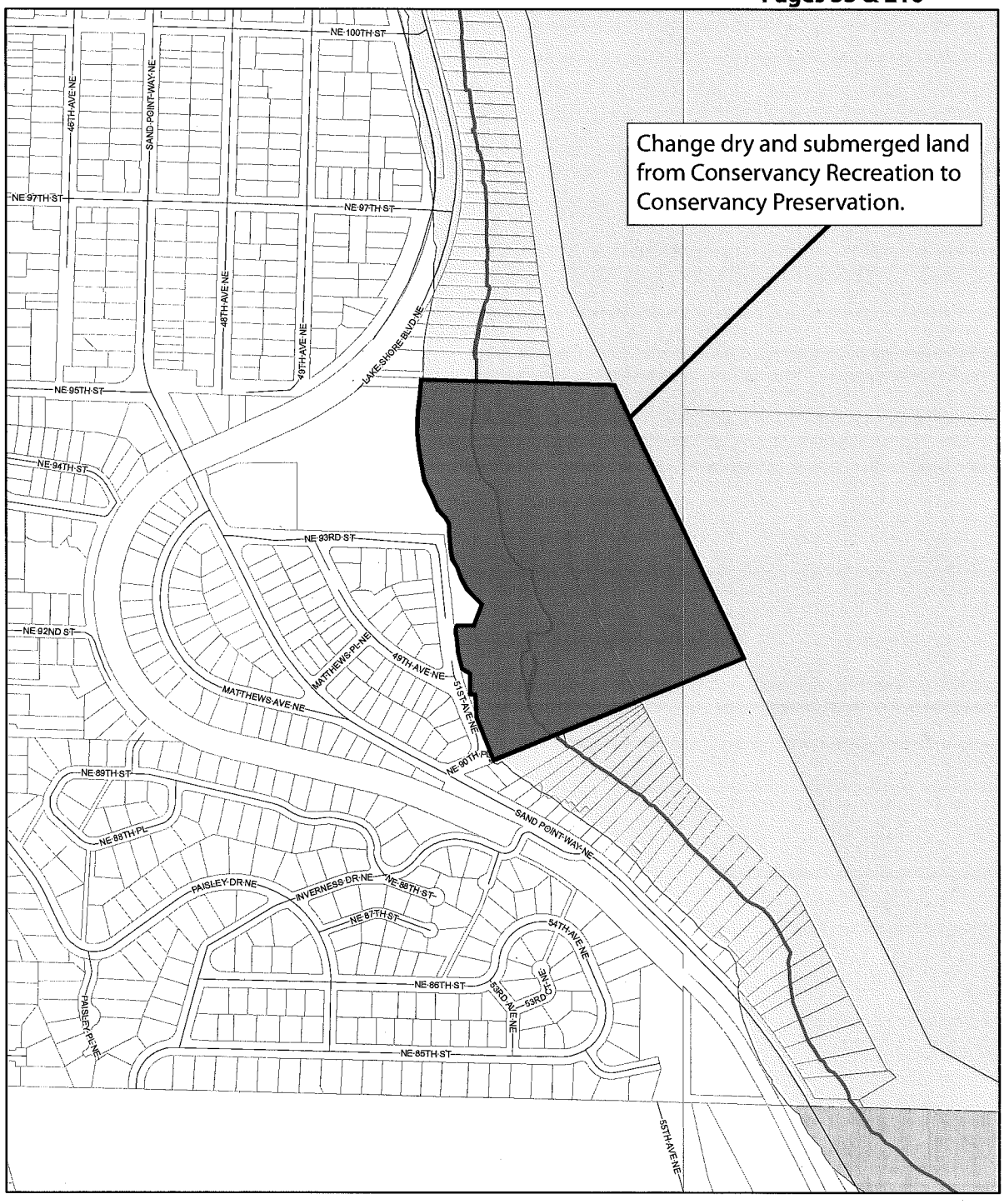
MAP B10 **Shoreline Environments** **Official Land Use Map Pages 33 & 210**



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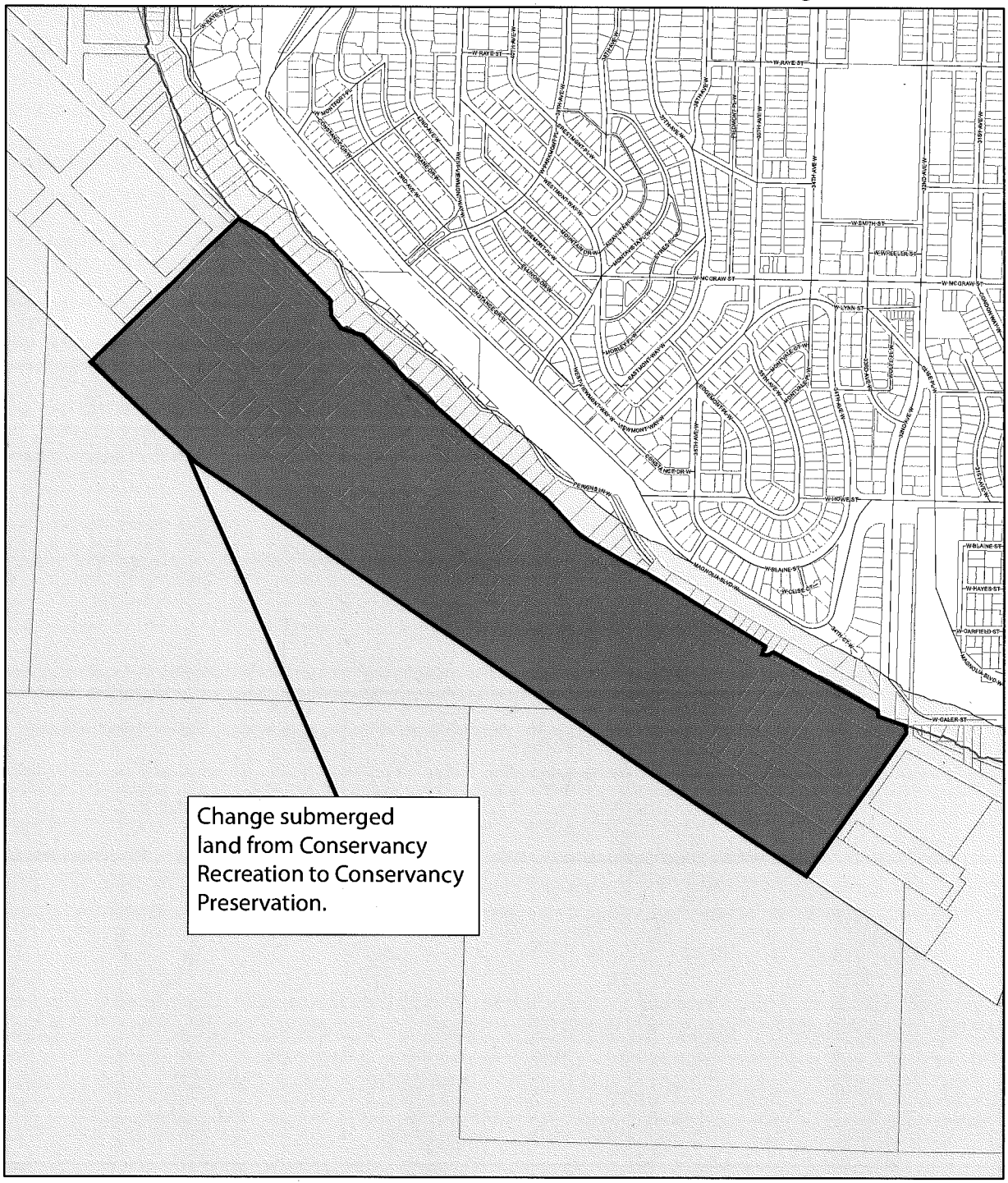
MAP B11 **Shoreline Environments** **Official Land Use Map Pages 83 & 84**



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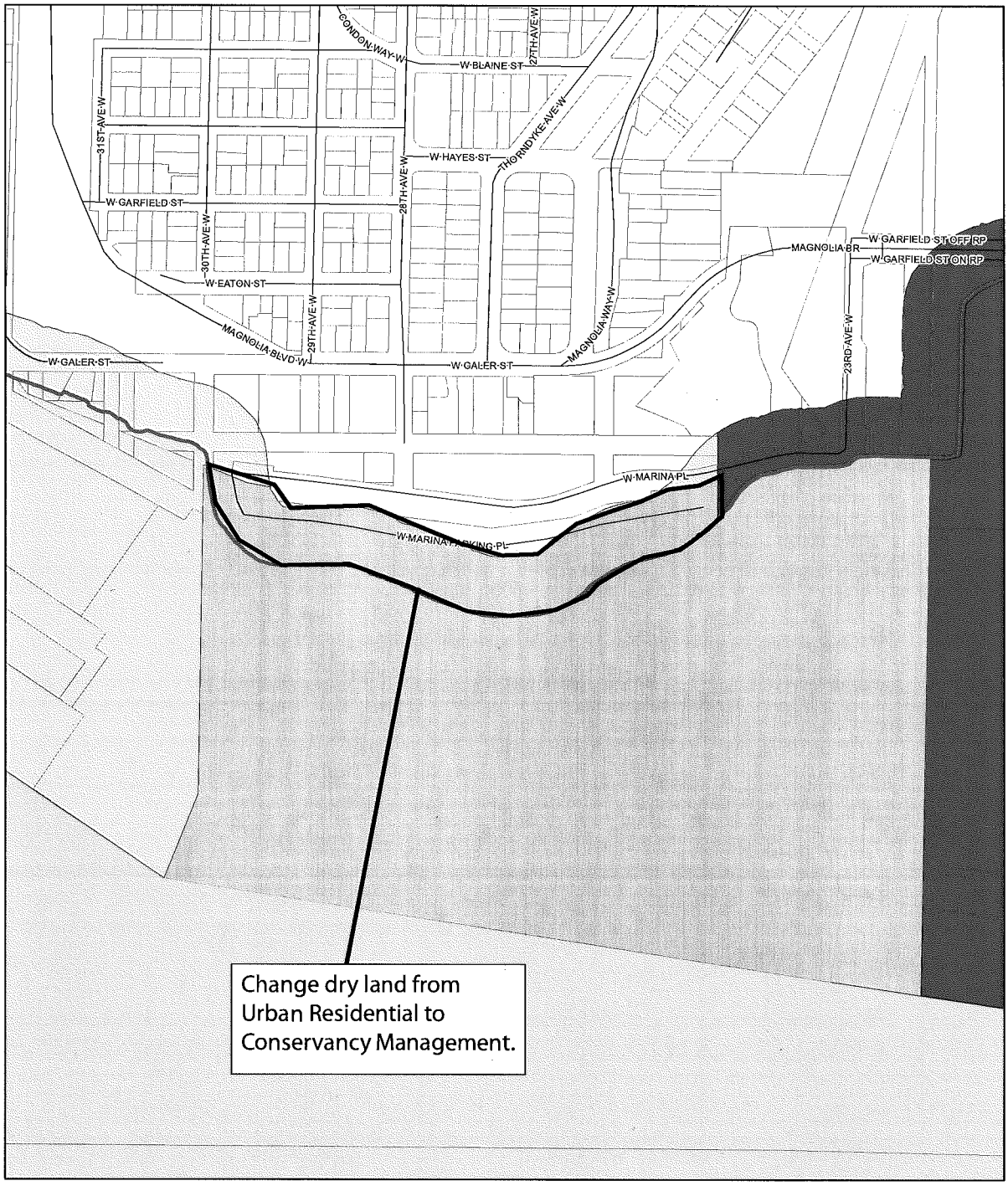
MAP B12 **Shoreline Environments** **Official Land Use Map Pages 97 & 214**



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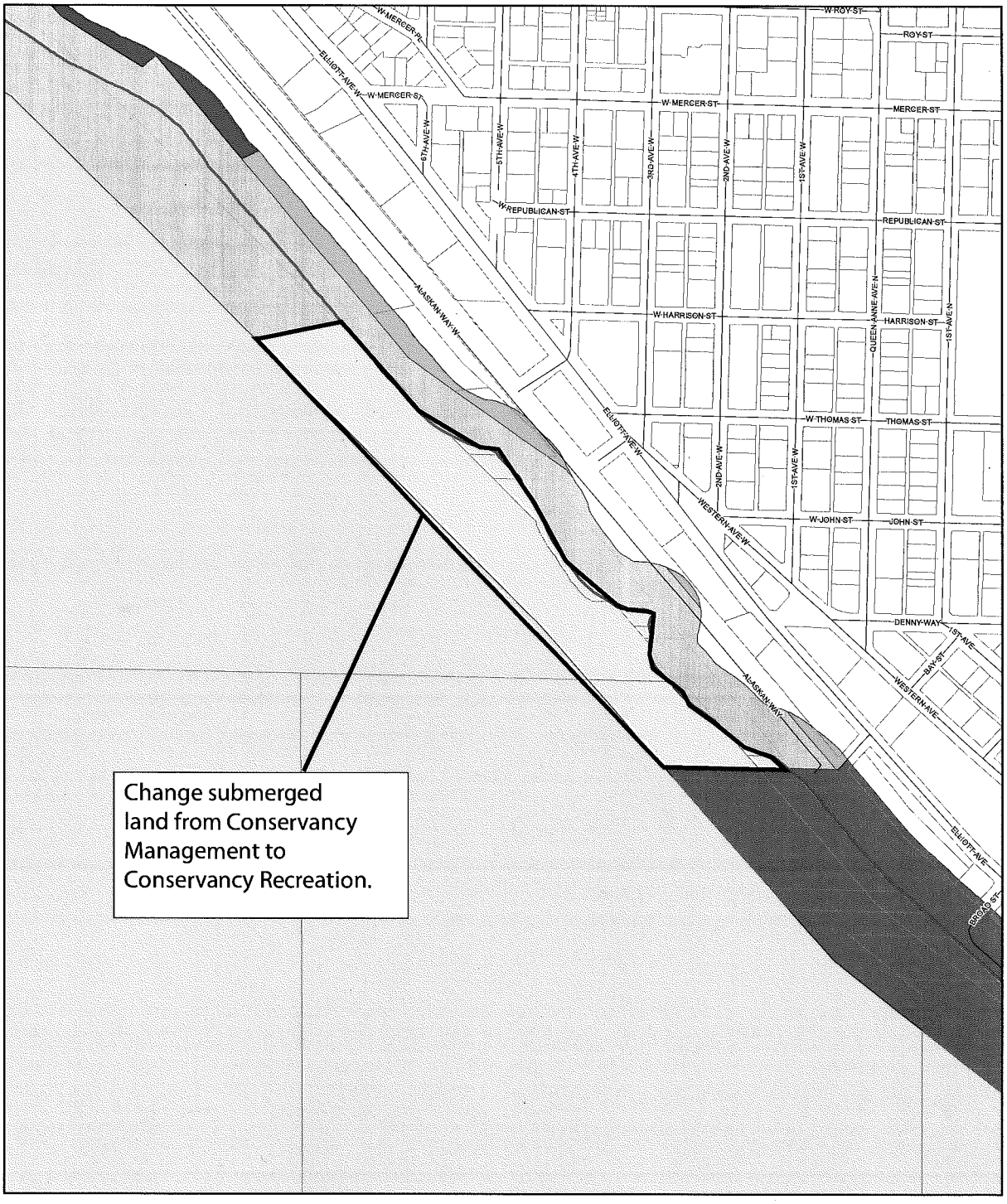

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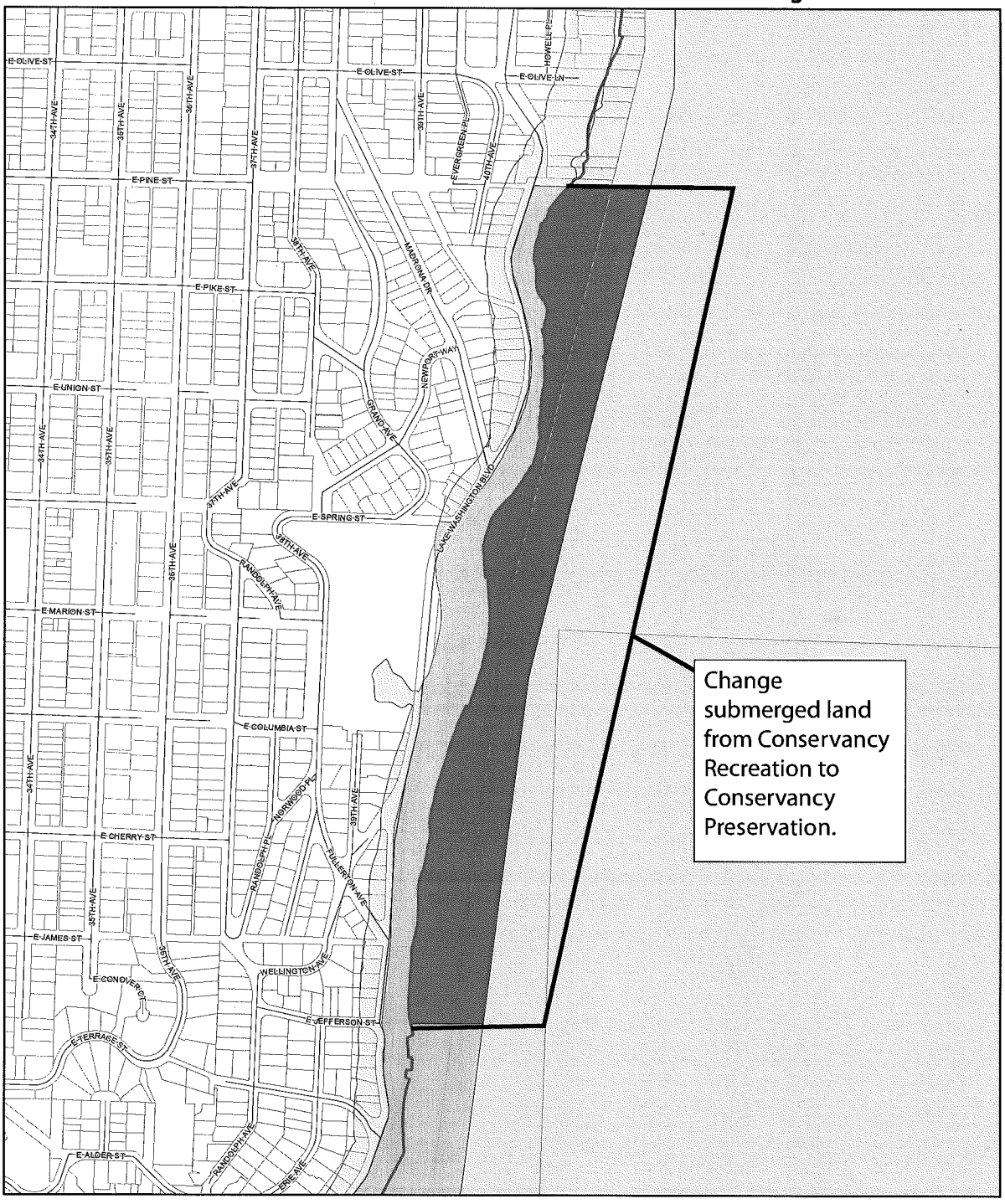
MAP B14 **Shoreline Environments** **Official Land Use Map Page 114**



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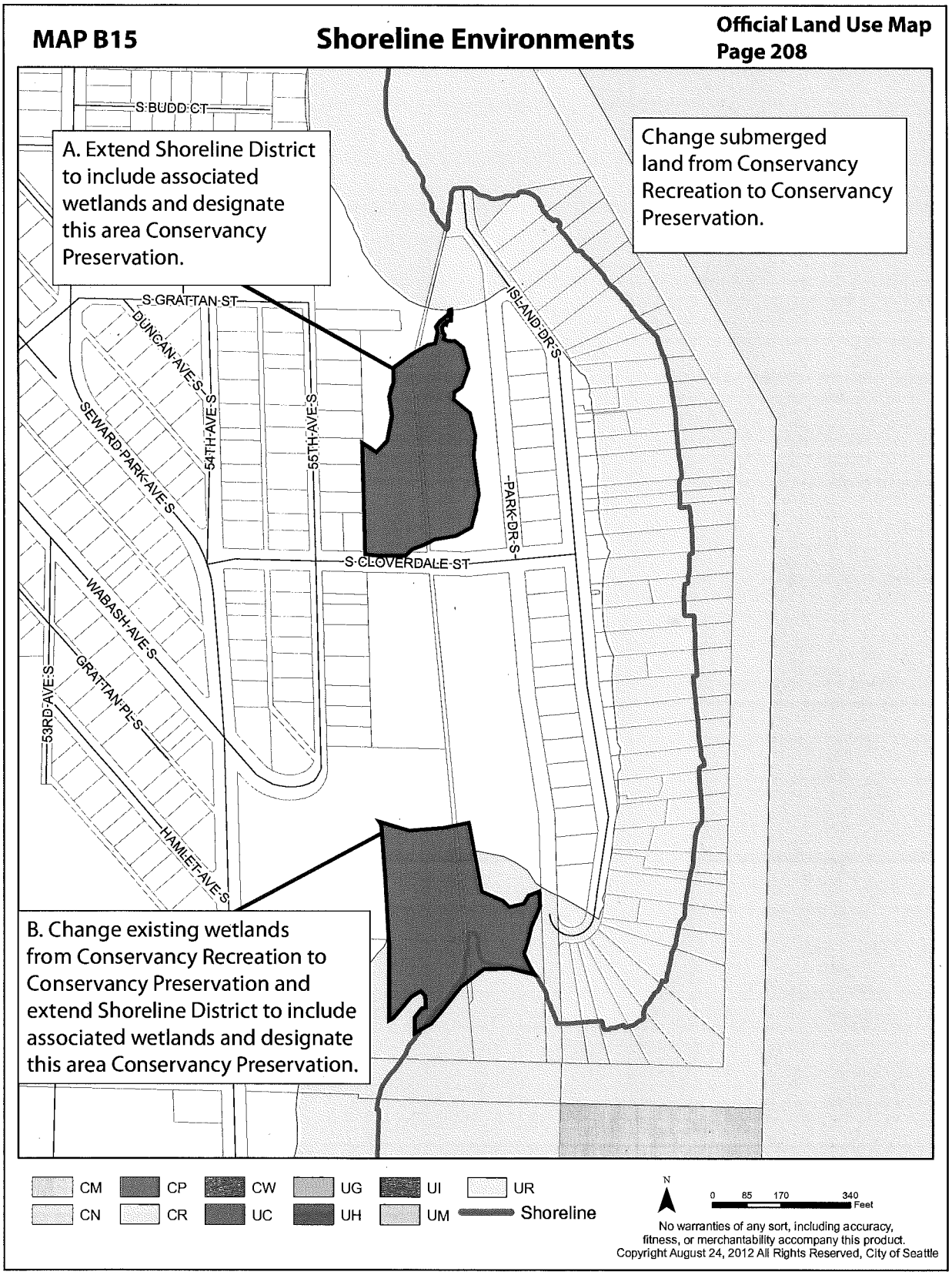
MAP B15
Shoreline Environments
Official Land Use Map
Page 208
A. Extend Shoreline District to include associated wetlands and designate this area Conservancy Preservation.
Change submerged land from Conservancy Recreation to Conservancy Preservation.
B. Change existing wetlands from Conservancy Recreation to Conservancy Preservation and extend Shoreline District to include associated wetlands and designate this area Conservancy Preservation.
S BUDD CT
S GRATTAN ST
DUNCAN AVE S
SEWARD PARK AVE S
54TH AVE S
55TH AVE S
ISLAND DR S
PARK DR S
S CLOVERDALE ST
WABASH AVE S
GRATTAN PL S
53RD AVE S
HAMLET AVE S
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CP
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N
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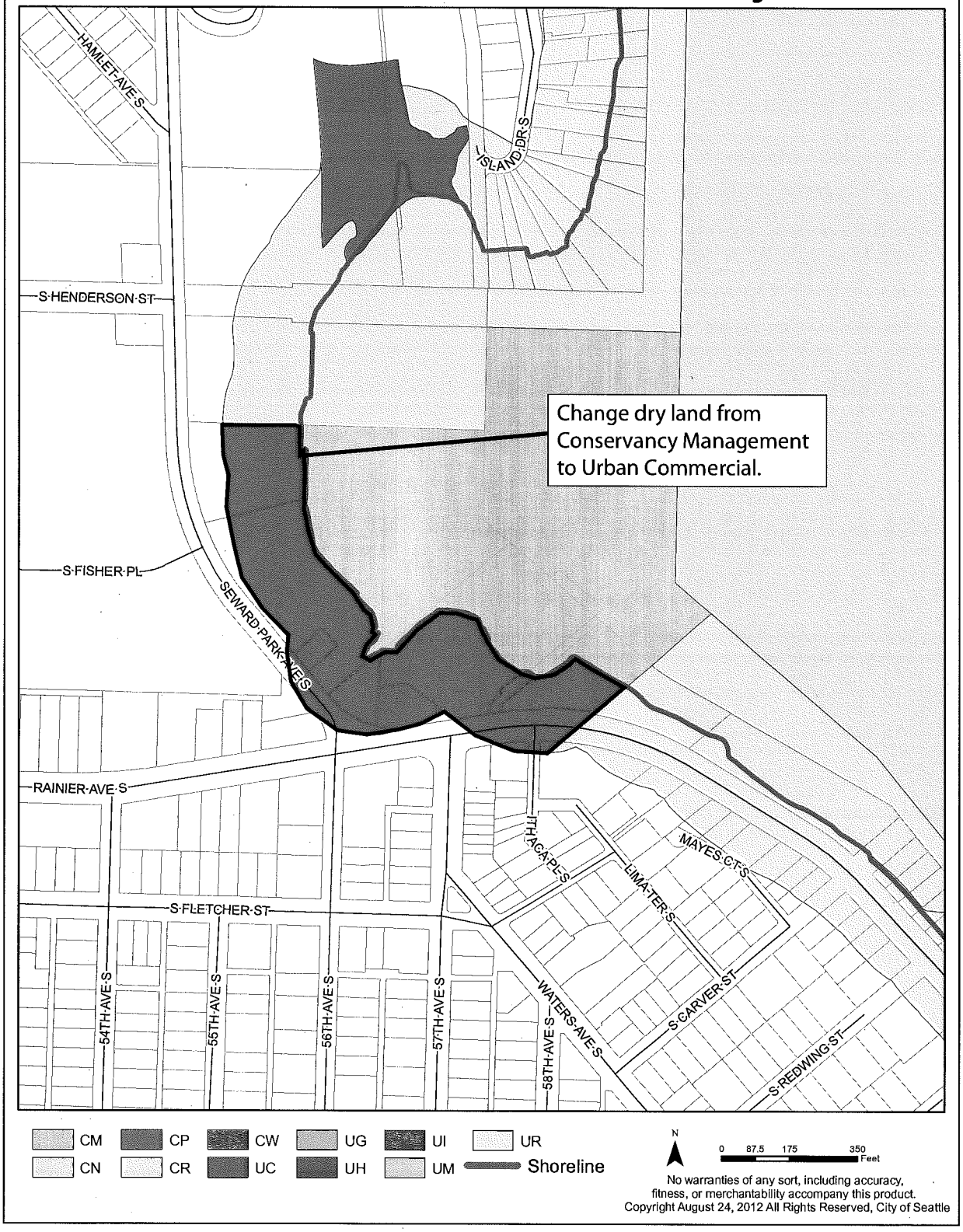
MAP B16 **Shoreline Environments** **Official Land Use Map Page 208**



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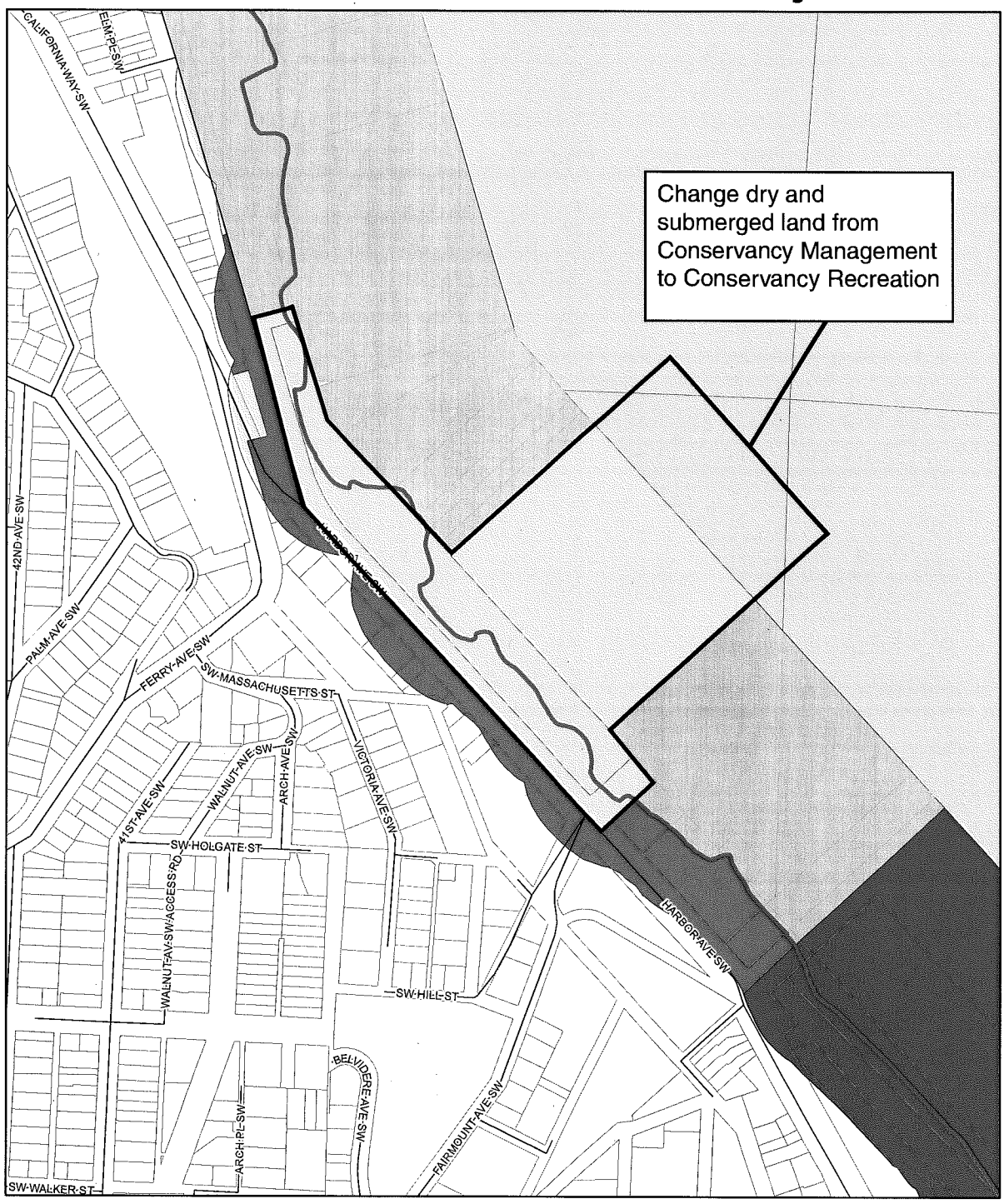
MAP B17 **Shoreline Environments** **Official Land Use Map Page 125 & 217**



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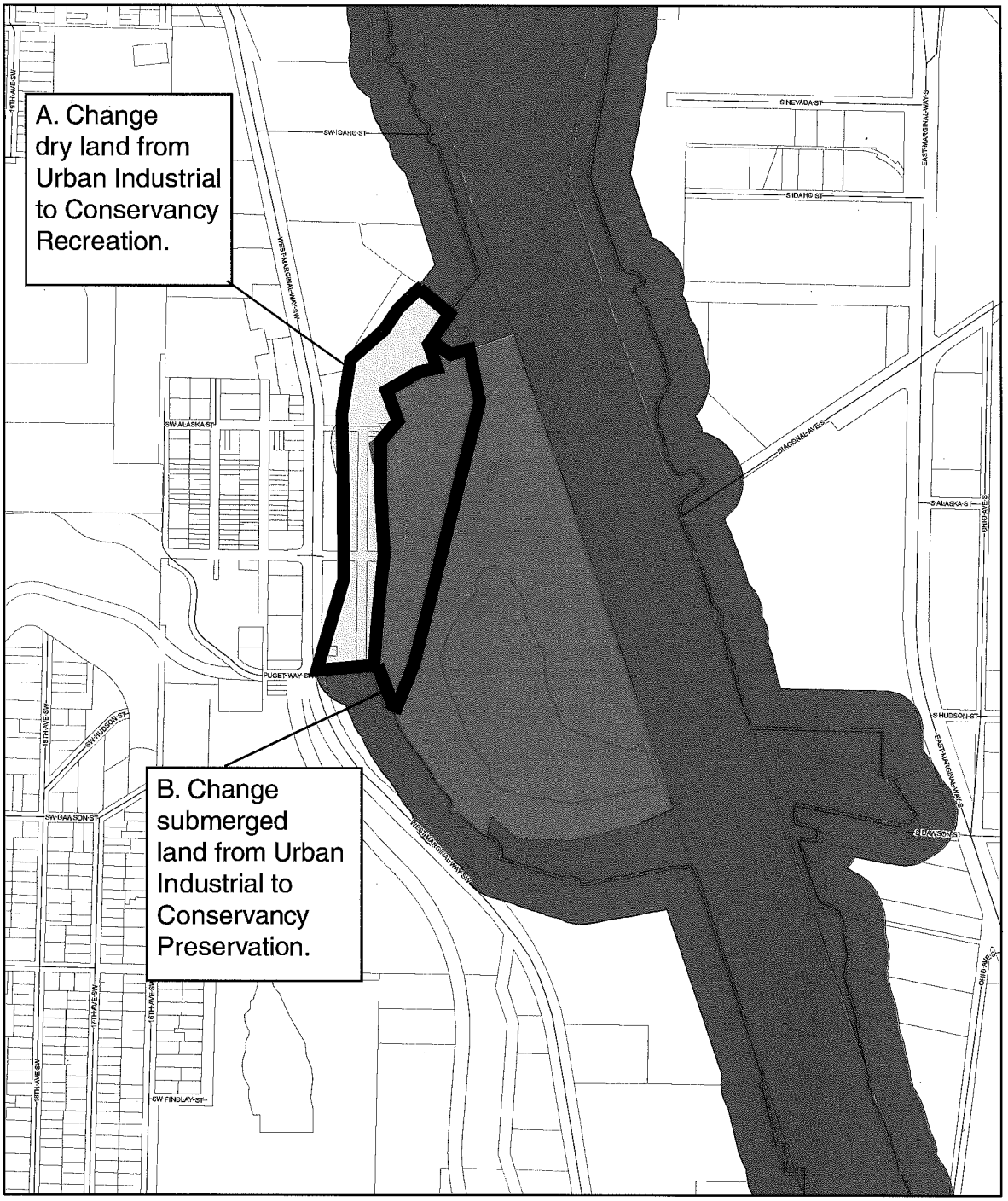
MAP B18 Shoreline Environments



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AUGUST 2012

Restoration and Enhancement Plan FINAL

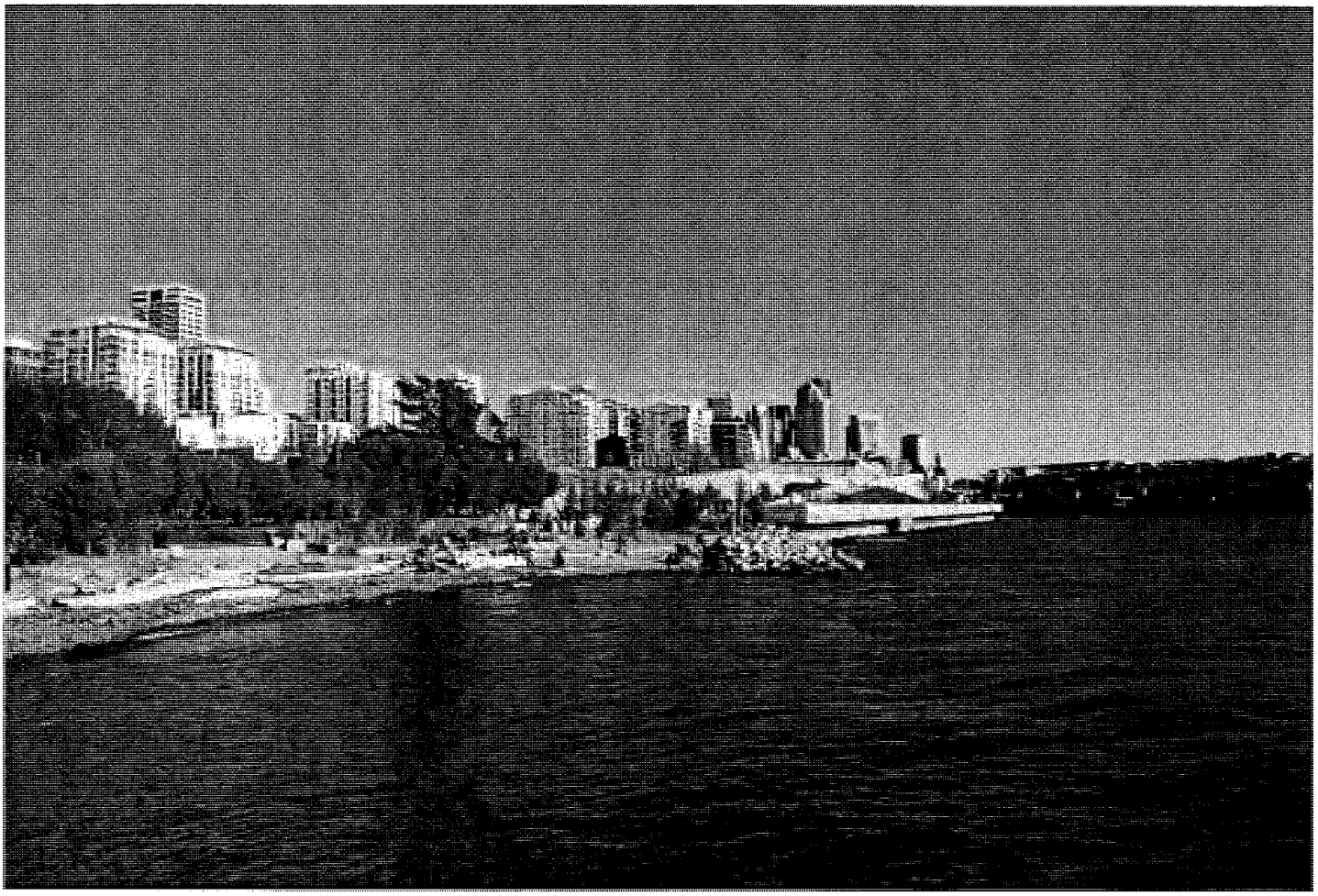

Exhibit C to the DPD Shoreline Master Program Ordinance

FINAL

RESTORATION AND ENHANCEMENT PLAN

CITY OF SEATTLE SHORELINE MASTER PROGRAM

Prepared for
City of Seattle
Department of Planning and Development
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Prepared by
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August 2012

ACKNOWLEDGEMENTS AND COLLABORATORS

This report was prepared by Anchor QEA, LLC, with input from the City of Seattle Department of Planning and Development. Review of the report was conducted by the following City of Seattle departments: Public Utilities, Transportation and Parks and Recreation. The base information for this report is from Seattle's Shoreline Characterization Report completed in March of 2009, available on DPD's website at: http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate/ReportsMaterials/default.asp. The contributions of these authors and reviewers are acknowledged and appreciated.

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LIST OF ACRONYMS AND ABBREVIATIONS

ALEA	Aquatic Lands Enhancement Account
City	City of Seattle
CMP	Campus Master Plan
CSO	combined sewer overflow
CWCAP	Carkeek Watershed Community Action Project
DRCC/TAG	Duwamish River Cleanup Coalition
Ecology	Washington State Department of Ecology
GIS	Geographic Information System
ILF	in-lieu fee
LWD	large woody debris
LDR Plan	Lower Duwamish River Habitat Restoration Plan
OHW	ordinary high water
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRDA	Natural Resource Damage Assessment
PSNERP	Puget Sound Nearshore Ecosystem Restoration Project
Plan	Restoration and Enhancement Plan
Port	Port of Seattle
PSNERP	Puget Sound Nearshore Ecosystem Restoration Project
PSP	Puget Sound Partnership
Puget Sound TRT	Puget Sound Technical Recovery Team
RCW	Revised Code of Washington
SDOT	Seattle Department of Transportation
SFLO	Washington Department of Natural Resources Small Forest Landowner Office
SMA (or the Act)	Washington State Shoreline Management Act
SMP	City of Seattle Shoreline Master Program
SRFB	Salmon Recovery Funding Board
State	State of Washington
TIA	total impervious surface area
UW	University of Washington
WAC	Washington Administrative Code

GLOSSARY

The following terms will have these definitions in the context of this Restoration and Enhancement Plan. They are listed in alphabetical order.

ecological function	The work performed or role played individually or collectively by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the natural environment.
goals	Measures by which the City of Seattle's vision can be met.
habitat	An ecological or environmental area that is inhabited by and may have capacity to support the survival and growth of organisms.
impairment	Habitat degradation; in this document, refers to the loss of ecological function of shorelines as described in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009).
impervious surface	Any surface exposed to rainwater from which most water runs off. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, formal planters, parking lots or storage areas, concrete or asphalt paving, permeable paving, gravel surfaces subjected to vehicular traffic, compact gravel, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of stormwater modeling.
measures of success	Measurable criteria that are currently quantified and which are suitable for before/after comparison. The City of Seattle may use these to evaluate site-specific or overall restoration action success; e.g., compare total linear feet of bulkhead in an area before and after a restoration action takes place.
project	A site-specific set of habitat activities.
reach and sub-reach	For the purposes of this report, a reach is a contiguous area within the shoreline jurisdiction that has somewhat consistent physical and biological conditions. Sub-reaches are contiguous areas of

shorelands with relatively consistent levels of impairment, contiguous areas with variations in impairment that fall within a distinct range, contiguous areas with impairment that follows a consistent trend and in rare cases contiguous areas with heterogeneous levels of impairment.

restoration "the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions" (Washington Administrative Code [WAC] 173-26-020). In the context of this document, restoration is a blanket term encompassed by four restoration strategies, which are described under "**restoration strategy**" below.

restoration strategy Refers to the four strategies of protection, restoration of ecological processes, rehabilitation, and creation. These are the Puget Sound Technical Recovery Team's (Puget Sound TRT's) proposed general habitat management strategies, including protection, restoration, rehabilitation, and substitution, that are to be used by watershed groups and others working for regional salmonid recovery (Puget Sound TRT 2003):

- Protection can be applied where habitat is presently functioning at a high level and supports natural habitat-forming or -sustaining processes. For example, conserve the natural sediment delivery processes from a feeder bluff to the intertidal zone by keeping that section of shoreline unarmored.
- Restoration of ecological processes can be applied where habitat is impaired but natural processes can be recovered. For example, restore the natural sediment delivery processes from a feeder bluff to the intertidal zone by removing shoreline armoring that currently prevents bluff material from eroding and entering the intertidal zone.
- Rehabilitation can be applied where habitat is impaired and restoration of full function and supporting processes appears infeasible; however, limited improvements to functions and

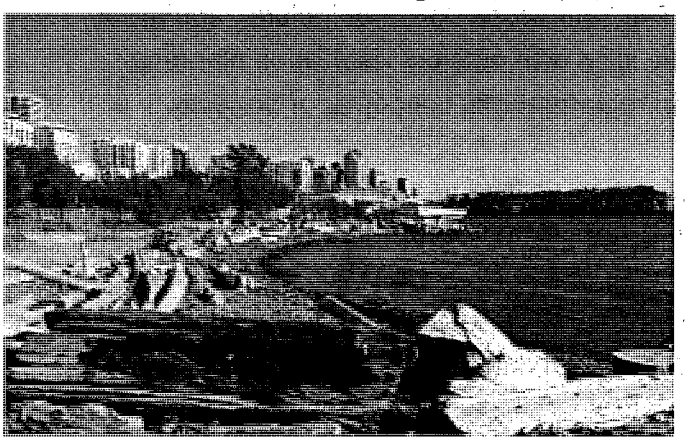
supporting processes can be achieved through partial re-establishment of ecosystem processes or functions. For example, rehabilitate the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by moving any sediment that erodes from the bluff over the armoring and into the intertidal zone.

- Creation can be applied where habitat function is lost through anthropogenic degradation and restoration and/or rehabilitation are not possible, but creation of habitat features to lead to replacement of lost function can be accomplished. For example, substitute the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by importing sediment and placing it in the intertidal zone to "nourish" the beach.

restoration actions	A list of the actions on which effort and funding could be applied.
shorelands	Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters.
structure	The composition and arrangement of physical attributes that compose habitat and that are formed as a result of watershed processes.
sub-reach	See "reach."
vision	Conceptual description of desired future shoreline condition.
watershed processes	The dynamic physical and chemical interactions that form and maintain the landscape at the geographic scales of watersheds to basins (hundreds to thousands of square miles; Stanley et al. 2005). These processes include the delivery, movement, and loss of water, large woody debris, sediment, phosphorus, nitrogen, toxins, and pathogens, as well as wave energy, tidal influences, and light energy.

EXECUTIVE SUMMARY

This Restoration and Enhancement Plan (Plan) has been prepared in support of the City of Seattle's Shoreline Master Program (SMP) update.



The State of Washington's (State's) SMP guidelines state that SMPs are to "include goals, policies and actions for restoration of impaired shoreline ecological functions" (WAC 173-26-186). The impaired functions are to be identified based on a detailed inventory and characterization of the shoreline ecosystem, and a restoration plan is to be formulated based on that information. Therefore, this Plan includes a description of the inventory and characterization completed for Seattle, and describes how and where potential exists for shoreline restoration within City of Seattle (City) boundaries. This Plan is not a regulatory document or a set of regulatory requirements. However, the SMP points to this Plan as a guide for identifying opportunities to improve the ecological function of Seattle shorelines.

The Plan includes the following elements, according to SMP recommendations:

- Plan scope and the overall vision and goals for restoration of degraded shoreline areas and impaired ecological functions (Section 1).
- Current and ongoing restoration plans applicable to City shorelines and a description of restoration programs and existing or potential partners (Section 2).
- Procedures used for identification of restoration actions: determining impairments, application of restoration strategies, and selection of sites for potential restoration (Section 3).
- Identification of impairments and applicable restoration actions needed to achieve restoration goals for various City shorelines (Section 4).
- Implementation strategies to bring restoration projects toward completion, and review of these projects in meeting overall restoration goals, including timelines and benchmarks, prospective funding sources, obstacles and challenges, and monitoring (Section 5).

Plan Purpose and Scope

The scope of this Plan is as a non-regulatory document prepared under the SMP guidelines. As such, it contains the inventory-based process and results for identification of restoration actions and projects in the City of Seattle. The Plan scope does not include regulatory language, will not fully incorporate or directly align with outside restoration planning documents, and does not contain mitigation requirements, concepts, or projects.

The State's shoreline guidelines define restoration as "the re-establishment or upgrading of impaired ecological shoreline processes or functions." In the context of this document, restoration is a blanket term covering four "restoration strategies" and is implemented by "restoration actions." The four restoration strategies discussed in this document are: protection, restoration of ecological processes, rehabilitation, and creation.

SMP Restoration Definition, Vision, and Goals

As part of the SMP update process, the City has developed an overall vision for shoreline restoration. Goals have been developed that describe the specific measures that should be undertaken to meet the vision and which, in most cases, can be used as metrics to monitor the City's progress in achieving the vision.

Existing Restoration Planning, Programs and Partners

Many groups are involved in shoreline restoration in and around the City, including the City of Seattle, the Port of Seattle, the University of Washington, the Puget Sound Partnership, watershed groups, and several local environmental nonprofit groups and community organizations.

Within the City of Seattle organization, Seattle Public Utilities is part of salmon recovery planning for Water Resource Inventory Areas 8 and 9, the Cedar–Sammamish and Green–Duwamish watersheds respectively. Seattle Public Utilities has helped coordinate and fund both scientific research regarding salmonid use of shorelines and effectiveness monitoring of restoration projects in this role. Seattle Parks and Recreation has implemented many shoreline restoration projects along Lake Washington, the Ship Canal, the Duwamish River and Puget Sound and has received funding from both the King Conservation District and Salmon Recovery Funding Board for these projects. Seattle Department of Transportation is involved with planning for the replacement of the seawall along Seattle's waterfront and has

been testing alternatives to the homogenous surface with the goal of improving habitat for salmonid species and other aquatic organisms in Elliott Bay.

The Port of Seattle (Port) has directly funded several shoreline restoration projects and is a contributor to shoreline restoration planning within the City of Seattle. The Port's 2007 Seaport Shoreline Plan and 2009 Lower Duwamish River Habitat Restoration Plan (Port of Seattle 2009) outline opportunities and plans for fish and wildlife habitat along Seattle shorelines.

The University of Washington (UW) plans for and implements shoreline restoration at its Seattle Campus through its Campus Master Plan, its certification by Salmon-Safe, its work in wetlands research, and by securing public access, open space, and water-dependent recreational areas along its shorelines.

The Puget Sound Partnership (PSP) has created a plan for cleanup, restoration, and protection for Puget Sound through its 2011 Action Agenda. The Action Agenda has identified priority strategies for implementation, as well as near-term actions to support these strategies.

Other nonprofit community groups involved in restoration in Seattle include Carkeek Watershed Community Action project, Duwamish River Cleanup Coalition and Technical Advisory Group, Earth Corps, Fauntleroy Watershed Council, Friends of Madrona Woods, Friends of the Cedar River Watershed, People for Puget Sound, Puget Soundkeeper Alliance, the Seattle Aquarium, and others.

Applicable Restoration Actions

Determining the applicable actions to implement restoration strategies on the City shorelines relied upon a detailed shoreline analysis, which classified impairment levels of basic ecological functions. These results were presented in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009). Shorelines assessed were Lake Washington; Lake Union and the Ship Canal; the Duwamish River; Puget Sound, including Elliott Bay and Shilshole Bay; and Green Lake. The framework was based on a method used by regional scientists that provides a streamlined approach for characterizing watershed processes. Processes evaluated included delivery, movement, and loss of water, large woody debris (LWD), sediment, phosphorus, nitrogen, toxins, and pathogens, as they enter, pass through, and eventually leave the watershed; wave energy and tidal influences for marine shorelines; and light energy, including artificial light. The assessment identified the level of impact on

habitat function in discrete shoreline reaches within City limits. Reaches were classified in the analysis into five categories of degradation: most impaired, more impaired, moderately impaired, less impaired, and least impaired.

This Plan acknowledges that the context of the impairments within the overall landscape should be considered. As sites vary in their landscape context and condition, they are appropriate for certain restoration strategies over others.

Needs were determined for shoreline areas by evaluating the degree of ecological impairment for various watershed processes, and by identifying restoration actions that would address conditions as they relate to the habitat these processes influence. Applicable restoration actions were thus set to improve impaired ecological functions and/or protect existing function. Restoration actions to be taken are provided with general descriptions on a reach scale. Detailed site-specific descriptions are not included because this information is already available in several existing restoration planning documents (documents listed in Section 3).

City-wide Impairments Summary

Within Seattle, all shoreline habitats have been impaired to some degree by human alterations; however, there are some areas that continue to provide relatively high quality habitat. The distribution of habitat impairments is uneven. The heavily industrialized shorelines of Lake Union downstream to the Ballard Locks, Elliott Bay, and the Harbor Island portion of the Duwamish River Estuary are the most impacted reaches, and even within these reaches, there are some areas with higher habitat function (i.e., less impairment). Among the least impacted areas in the City are Seward Park, Union Bay, West Point and Magnolia Bluffs and Lincoln Park to Fauntleroy Cove.

For each segment of Seattle's shorelines (e.g. Lake Washington, Puget Sound), the below table lists the following important findings: highest and lowest functioning habitats, most impaired processes, highest applicable restoration actions, and high priority areas for protection.

Summary Findings for Restoration of Seattle's Shorelines

Segment	Highest Functioning Habitats	Lowest Functioning Habitats	Most Impaired Processes	Highest Applicable Restoration Actions	High Priority Areas for Protection
Lake Washington	Mature vegetated areas of the segment along the Burke-Gilman Trail, Matthews Beach, the Thornton Creek delta, Union Bay Natural Area (northern Union Bay), and the parks	Residentially developed areas where docks and armoring predominate, particularly in the areas south of Seward Park and from Madison Park to Colman Park (not including the parks)	Toxins, pathogens, sediment, water and wave	Armoring removal, water treatment, and riparian vegetation restoration	Areas with the least impairments; among these are wetland habitats of Union Bay and the areas of unarmored shoreline and riparian vegetation at Seward Park, in addition to any recent restoration project sites Stream mouths
Lake Union and Ship Canal	South shoreline of Portage Bay	West shoreline of Portage Bay and Fisherman's Terminal	LWD, phosphorus, sediment, toxins, and water	Armoring removal, stormwater treatment, riparian vegetation restoration, substrate debris removal	East Montlake Park and recent restoration sites, such as Salmon Bay Natural Area Undeveloped shoreline areas in Lake Union Creek mouths Areas with kelp or eelgrass beds
Duwamish River	Kellogg Island, the adjacent shoreline, and	Industrial shorelines of remainder of Duwamish	Light, LWD, nitrogen, phosphorus, toxins,	Armoring removal, water treatment, and	Recent restoration sites, such as Herring's House

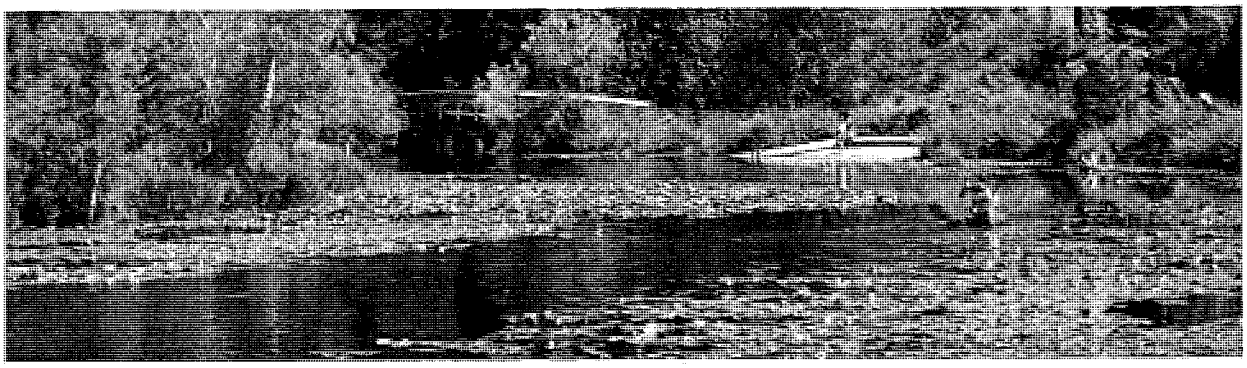
Segment	Highest Functioning Habitats	Lowest Functioning Habitats	Most Impaired Processes	Highest Applicable Restoration Actions	High Priority Areas for Protection
	the shore across the river from the island	River study area	water, and wave energy	riparian vegetation restoration	Park, and the Terminal 105 Coastal America site
Puget Sound, including Shilshole Bay and Elliott Bay	Unarmored portions of Golden Gardens Park, the creek mouth at the southern end of Golden Gardens Park, and their associated marshes; Discovery Park, Lincoln Park, and Seola Park	Shilshole Bay and Elliott Bay Marinas, the central waterfront, and Terminals 90 and 91	Pathogens and sediment	Armoring removal, stormwater treatment, riparian vegetation restoration, beach nourishment, LWD placement, and daylighting streams	Discovery Park, primarily West Point and Magnolia Bluffs, as well as recent restoration project sites such as Olympic Sculpture Park
Green Lake	Unarmored shores, vegetated riparian zones	Armored shores, unvegetated riparian zones	Nitrogen and phosphorus	Alum treatment or other similar action to treat high phosphorus levels; bioswales or similar treatments that would help to reduce the input of nutrients and pollutants into the lake	Unarmored shores, vegetated riparian zones

Implementation

Implementation of this Plan will be a joint effort within the City and between the City and its partners. As is the case for most restoration work, the opportunities described in this Plan will require extensive cooperation and coordination with citizens, public agencies, private landowners, and other stakeholders.

The City's Comprehensive Plan will direct City departments to continue their work restoring the City's shorelines and to use the Plan to guide their efforts. The City's work as it relates to this Plan will be monitored and evaluated on a set timeline against a suite of benchmarks to determine consistency with the State's SMP standard to improve ecological function over-time with the implementation of the Plan. This Plan will be implemented when Seattle's Shoreline Master Program is adopted by the Washington State Department of Ecology, with a timeline based on 10-year intervals. At each interval, ecological benchmarks will be evaluated for change.

There is currently no dedicated funding source for the restoration actions presented herein. Implementation of the work described in this Plan is dependent on grant funding, and a variety of other outside funding sources. It is expected that funding will be derived from various sources. Redevelopment of the shoreline is acknowledged as a key opportunity for restoration along urban shorelines such as Seattle's. When shoreline property is redeveloped, opportunities exist not only to mitigate for redevelopment-related impacts but also to go beyond regulatory mitigation and provide restoration of shoreline ecological function.



1 INTRODUCTION

This Restoration and Enhancement Plan (Plan) is prepared in support of the City of Seattle's Shoreline Master Program (SMP) update. The SMP is being updated to comply with the Washington State Shoreline Management Act (SMA or the Act) requirements (Revised Code of Washington [RCW] 90.58) and the state's SMP guidelines (Washington Administrative Code [WAC] 173-26, Part III-201 2[f]), which were adopted in 2003. The City of Seattle (City) SMP is composed of policies and regulations that regulate the use and development of the City's rivers, lakes and marine shorelines and this Restoration and Enhancement Plan.

The SMP must give preference to certain shoreline uses, in the order as follows: 1) reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health; 2) reserve shoreline areas for water-dependent and associated water-related uses; 3) reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives; 4) locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses; and 5) limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act (WAC 173-26-201(2)(d)).

The State's SMP guidelines state that SMPs are to "include goals, policies and actions for restoration of impaired shoreline ecological functions" (WAC 173-26-186). The impaired functions are to be identified based on a detailed inventory and characterization of the shoreline ecosystem, and a restoration plan is to be formulated based on that information (WAC 137-26-201). The results of Seattle's inventory assessment are presented in the *City of Seattle Shoreline Characterization Report* (City of Seattle 2009). This document uses that information to address the restoration plan requirements discussed in the SMP guidelines. This Plan is not a regulatory document or a set of regulatory requirements. However, the SMP points to this Plan as a guide outlining opportunities for improving shoreline ecological function.

The scope of this document, the vision for restored shorelines, and the context of this Plan in complying with the state's SMP policies are discussed next.

1.1 Plan Purpose and Scope

This section describes the purpose and scope of this Plan, as well context for topics outside the scope of the Plan.

1.1.1 What This Plan Contains

The purpose of this Plan is to describe how and where shoreline ecological functions can be restored within City boundaries. (City boundaries, shoreline reaches, and shoreline restoration actions are shown on Map A [separate document].) The SMP guidelines articulate that the Plan is to include: 1) an identification of existing and ongoing projects and programs, additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs; 2) an identification of timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals; and 3) provisions for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

In accordance with the SMP guidelines, this Plan discusses the overall goals and applicable restoration actions of degraded shoreline areas and impaired ecological functions (Section 1). Then, the Plan identifies current and ongoing plans applicable to the City shorelines and a description of restoration partners and programs in the vicinity (Section 2). Section 3 includes a discussion of the procedures used in an analysis to identify degraded areas, impaired ecological functions, and sites with potential for restoration of City shorelines. The results of this analysis and the most applicable restoration actions for various City shorelines are provided in Section 4.

Finally, the Plan identifies strategies to ensure that restoration actions will be implemented and to appropriately review its effectiveness in meeting the overall restoration goals (Section 5). This includes timelines and benchmarks for implementing the strategy, prospective funding sources for restoration actions, obstacles and challenges to achieving goals, and an overview of monitoring for the Plan.

1.1.2 What This Plan Does Not Contain

While the Plan incorporates elements of other shoreline restoration planning documents that involve the City's shorelines, the scope of this Plan under the SMA guidance does not extend to that of a master document combining and aligning priorities of other shoreline restoration documents, plans, or efforts. As previously stated, the scope is significantly smaller: this Plan is required to base its conclusions on a detailed inventory and characterization of the shoreline ecosystem. However, in recognition that the contributions of these other shoreline restoration documents, plans, or efforts can have significant value to ecosystems, the Plan has been constructed to consider and incorporate priorities where the goals and objectives of the SMA and other documents converge.

It is important to clarify that restoration as it is discussed here is distinct from the concept of no net loss. The state's SMP policies include a standard of no net loss of ecological functions that are necessary to be achieved in the specific SMP regulations and through the implementation of the new SMP regulations. The Washington State Department of Ecology (Ecology) has clarified that this means that "establishing uses or conducting development are identified and mitigated with a final result that is no worse than maintaining the current level of environmental resource productivity" and "no uses or development supersede the requirement for environmental protection" (Ecology 2004). Thus, mitigation activities are the method by which no net loss is achieved. The distinction between the SMP's no net loss requirements and the requirements of the restoration plan is that the goals of the restoration plan is to go beyond no net loss by increasing ecological functions by repairing ecological processes or by increasing the amount, size, and/or functions of components of an ecosystem compared to the baseline conditions (Thom et al. 2005). Therefore, mitigation activities required to achieve no net loss because of impacts caused by a development project is not considered restoration under this Plan.

The Plan does not include guidance for in-lieu fees (ILFs) as a restoration tool because ILFs are considered mitigation meeting the state's requirement for "no net loss" (WAC 173-26-241(2)(a)(iv). The Plan is not a mitigation instrument or guidance document; an ILF program would be handled with City regulations outside the scope of this document.

1.2 SMP Restoration Definition, Vision, and Goals

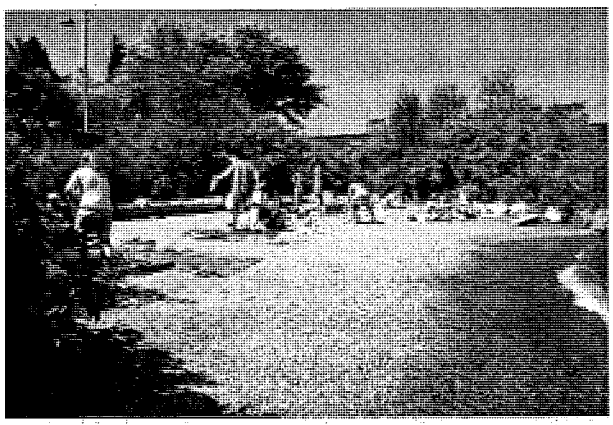
Washington State's shoreline guidelines define restoration as "the reestablishment or upgrading of impaired ecological shoreline processes or functions". This may be accomplished through measures including but not limited to re-vegetation, removal of

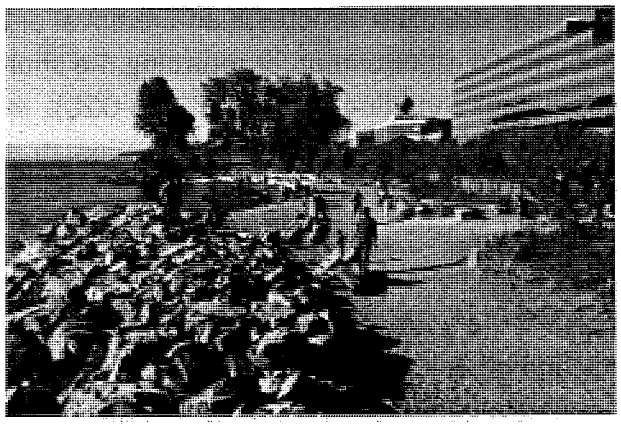
intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions" (WAC 173-26-020). In the context of this document, "restoration "is a blanket term covering four "restoration strategies" and is implemented by "restoration actions." Restoration strategies are described in detail in Section 3.

The City's vision for restoration in this SMP is based on science, policy, and public input. The *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003) is a document which provides the science behind the City's desired future shoreline conditions and describes a variety of project actions that along with policy and public education actions can lead to restored habitats in Seattle. The SMA policy goals for SMPs were considered, (preferred shoreline uses, environmental protection, and public access). To develop the vision, the City undertook a community visioning process. During this process the citizens of Seattle expressed the desire to balance the three goals of the SMA and a strong interest in a natural and functioning shoreline (details on the visioning process are described in the Vision Report; City of Seattle 2012). Vision statements are summarized here.

The City's vision for restoration includes a shoreline with net gains in:

- Preferred shoreline uses:
  - Thriving water-dependent industrial and commercial uses.
  - Educational opportunities to reflect Seattle's maritime history and water-dependent business.
- Environmental protection:
  - Shoreline ecological function by protecting and/or improving watershed processes and habitat features.
  - Salmon populations and other fish and wildlife that depend on resources or habitat associated with the shoreline (e.g. eagles, great blue herons, otters).
  - Public understanding of the impact of policy and land use changes on environmental health
- Public access:
  - Variety of public access points for various users.
  - Views of the water and connectivity in green spaces with pedestrian and bicycle corridors.
  - Public transit and parking that serves public shoreline access.





This Plan describes a variety of applicable restoration actions that along with policy and public education actions can help the City to achieve the vision. Goals have been developed to meet the vision which can be used as metrics to monitor the City's progress in achieving the vision.

The City's goals for shoreline restoration are to:

- Protect and restore shoreline processes and functions, especially in those areas identified as having geological or biological significance.
- Protect and restore softer, more natural shorelines that feature native plants and control of noxious weeds; more trees in more locations; and improved water quality.
- Protect and restore a diversity of habitats and strengthen ecological and physical connections between habitats.
- Support the monitoring and study of the shoreline systems that will provide a continuously updated baseline against which to judge the impact of any action.
- Support programs that inform the public about shoreline conservation practices, and identify methods by which public and private shoreline owners or community groups may encourage wild, aquatic, and botanical life, and require such methods when appropriate and provide incentives for such projects.

These restoration goals can be met by applying appropriate restoration strategies and implementing restoration actions for Seattle shorelines (see Sections 4 and 5 of this Plan). An implementation strategy and benchmarks will be used to determine whether these goals are being met and the vision is being achieved (see Section 6 of this Plan).

2 EXISTING RESTORATION PLANNING, PROGRAMS, AND PARTNERS

There is a sizable body of literature on recent habitat and environmental planning that pertain to City shoreline ecosystems, flora, and fauna. These documents collectively describe a number of plans, projects, and status of the science within the City. The documents are:

- *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
- *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
- *Marine Shoreline Inventory Report: Seattle WRIA 9* (Anchor 2004)
- *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
- *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* (WRIA 8 2005)
- *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 2005)
- *Prioritization of Marine Shorelines of WRIA 9 for Juvenile Salmonid Habitat Protection and Restoration* (Anchor 2006)
- *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and USACE 2008)
- *Lower Duwamish River Habitat Restoration Plan* (Port of Seattle 2009)
- *Draft Puget Sound Action Agenda* (PSP 2011)

Many groups are involved in shoreline restoration in and around the City, including the City of Seattle, the Port of Seattle, the University of Washington, watershed groups, and many environmental nonprofit groups and community organizations. This restoration work is summarized below in alphabetical order following the City of Seattle. The summary is intended to be a list of key parties and may not include all groups that have contributed to shoreline restoration to date.

2.1 City of Seattle

Several City of Seattle departments are involved with planning and implementing shoreline restoration. Seattle Public Utilities (SPU) implemented the Aquatic Habitat Matching Grant Program, which has funded projects aimed to improve the environmental conditions in Seattle's streams and shorelines. Two shoreline projects day lighted streams at their mouths; Madrona Creek, which feeds Lake Washington, and Fauntleroy Creek, which feeds

the Puget Sound. Additionally, SPU has secured funding for important monitoring work at several habitat projects in the City including: the seawall test panels along the Central Waterfront, the Olympic Sculpture Park, and Salmon Bay Natural Area.

In addition, the City of Seattle is working to complete its Natural Resource Damage Assessment (NRDA) requirements in the Duwamish and continues to fund monitoring of the restoration sites to determine whether restoration sites converge with the monitored reference sites.

Seattle Parks Department is active in undertaking shoreline restoration work and managing shorelines to a more natural state. Examples of this work include less riparian vegetation removal along Lake Washington Boulevard before the Seafair boat races and improvements at maintenance and operations facilities that minimize the potential for contaminating stormwater.

Over the past ten years Parks Department has made improvements including one or more of the following: bulkhead removal, beach creation, beach nourishment and riparian plantings; at Chinook Beach Park, Seward Park, the Arboretum, Magnuson Park, Denny Blaine Park, Golden Gardens Park, Herrings House Park, Martha Washington Park, Lake Washington Boulevard at Alaska and Adams Streets, Lake Washington Pritchard Preserve and Intertidal marsh restoration at Lowman Beach Park. Many of these projects received grants from the King Conservation District and the Salmon Regional Funding Board.

Additionally, a marina was removed at Chinook Beach Park and wetlands were restored at the Montlake playfield (Portage Bay) and Lake Union Park. Seattle Parks Department also offers educational programs and employs beach naturalists at their shoreline parks and the Seattle Aquarium and Environmental Learning Centers. The beach naturalists program is partially funded by the King Conservation District.

The City of Seattle is involved with government and non-government agencies partnering on shoreline restoration planning. Seattle is a partner with King County and other city governments for implementing the adopted Salmon Plans for WRIAs 8 and 9, administered

under Interlocal Agreements within each watershed. The City participates in the governing forums, which direct and oversee implementation as well as addresses policy and funding issues. Each WRIA has a 3 year work-plan, which are updated annually as more information is available or as opportunities arise to implement the plans. Seattle is the alternate for King County on the Stakeholder Advisory Group for the South Puget Sound Central Action area for the Puget Sound Partnership Ecosystem Coordination Board.

Puget Sound Partnership Coordinated Monitoring Program – Seattle with other local jurisdictions and State and Federal agencies is participating in developing a model monitoring program to measure the impacts from stormwater runoff. This information will help inform the next National Pollutant Discharge Elimination System (NPDES) permit requirements.

Through the Seattle Department of Transportation's (SDOT) street vacation process public access and shoreline restoration is a requirement and SDOT's shoreline street end permit requirements often require shoreline restoration. Additionally SDOT is involved with planning for the replacement of the seawall along Seattle's waterfront and has been testing alternatives to the homogenous surface with the goal of improving habitat for salmonid species and other aquatic organisms in Elliott Bay.

Bluefield Holdings, a Seattle "eco-development" company worked with former Seattle Mayor Greg Nickels and City Council on an agreement to lease and restore salmon habitat at seven city-owned parcels on the Duwamish River (City of Seattle 2008b). This work was initiated in an attempt to accelerate the completion of habitat restoration in the Duwamish, providing increased habitat function for the species that utilize this area. Following restoration implementation, the company made restoration credits available to the City for resolving natural resource liability in the Duwamish Waterway Superfund cleanup.

Seattle is leading green roof monitoring at four sites over the course of three years. These projects are being monitored for stormwater quantity to inform the effectiveness for Ecology to apply appropriate credit for these types of projects.

In addition to restoration work and monitoring, the City of Seattle has funded research on habitat use and behavior of juvenile Chinook salmon in the Lake Washington system. This research has been used by jurisdictions throughout Lake Washington to improve the management of their shorelines.

The City of Seattle assisted with staff time and funding for four Green Shorelines workshops that were intended to both gather and provide information to regulatory agencies and the

public regarding the appropriate places for green shorelines and identifying the barriers to green shorelines. The City of Seattle funded a survey regarding green shorelines to determine barriers to these types of projects and University of Washington students supplemented the survey by including residents from other jurisdictions along Lake Washington. Additionally the City produced a Green Shores for Homes guidebook for residential home owners to provide information regarding alternatives shoreline treatments that provide increased ecological function and the City received a grant from the Environmental Protection Agency to develop additional guidance for home owners and to create incentives that will promote green shores.

2.2 Carkeek Watershed Community Action Project

The Carkeek Watershed Community Action Project (CWCAP) serves the Carkeek Watershed in northwest Seattle. The CWCAP currently sponsors several programs which support salmon and salmon habitat restoration, as well as beach and riparian health: Salmon Feeders, Salmon Count Program, Salmon Stewards, Beach Docents, Demonstration Garden Volunteers, Earth Day, and Salmon Celebration.

2.3 Duwamish River Cleanup Coalition and Technical Advisory Group

The Duwamish River Cleanup Coalition (DRCC/TAG) was formed in 2001 and works toward final cleanup of the Lower Duwamish River. The group is composed of environmental, tribal, and community organizations in the area who represent the priorities, values, and will of the local residents. The DRCC/TAG's programs are many and varied, and include habitat restoration work as well as tours of the river, educational forums, youth programs, and neighborhood festivals and events on the river.

2.4 Earth Corps

Seattle-based EarthCorps is a nonprofit group that maintains a mission of local environmental service. It offers programs for young adults in conservation techniques and volunteer leadership. In addition, it provides a suite of restoration services to agencies, nonprofit organizations, community groups, and businesses throughout the state of Washington. In addition to its local work, EarthCorps also encourages international volunteers in its service learning programs.

2.5 Fauntleroy Watershed Council

Two groups, Friends of Fauntleroy Creek and Friends of Fauntleroy Park, merged in 2001 to form the Fauntleroy Watershed Council. The new group adopted an action plan to steward the creek and park. Under its action plan, the council now works to gather watershed, city, and regional stakeholders to maintain, restore, and address habitat and pollution topics in the Fauntleroy Park and Creek area.

2.6 Friends of Madrona Woods

Friends of Madrona Woods is a group of Seattle residents who volunteered to "adopt" the Madrona Park urban forest in cooperation with the Seattle Department of Parks and Recreation. Under its comprehensive plan, the group has facilitated invasive plant removal, trail improvement, and environmental education, along with other work. The group's largest project to date was the 2009 daylighting of Madrona Park Creek and construction of a new wetland at the mouth of the creek on the Lake Washington shoreline.

2.7 Friends of the Cedar River Watershed

Friends of the Cedar River Watershed is a nonprofit organization working toward protection and restoration of the Cedar River/Lake Washington Watershed and associated communities. Its key service areas are ensuring long-term stewardship of the watershed, facilitating environmental education, public education on watershed restoration. To do this, it maintains several programs focused on restoration, habitat, and stewardship with its base of volunteers, community leaders, and educators.

2.8 People for Puget Sound

People for Puget Sound is a nonprofit group established to restore Puget Sound through education and action. Its vision includes Puget Sound environmental education for youth and adults, community involvement, and working for accountability in enforcement of environmental laws and regulations. A major component of their work is the Habitat Restoration program, which works to preserve and enhance ecosystems across the Sound.

2.9 Port of Seattle

The Port of Seattle (Port) funds and contributes to habitat restoration within the City of Seattle. The Port has planned a large body of future restoration work, as described in its 2009 Habitat Restoration Plan (Port of Seattle 2009). This plan discussed approximately 50 acres of restoration within the City of Seattle. The Port's work has resulted in restoration of more than 30 acres of fish and wildlife habitat along Seattle shorelines, with an additional 9 acres in design and permitting stage, with construction planned for 2014 (Stebbins 2012).

2.10 Puget Sound Partnership

Through its 2011 Draft Action Agenda, the Puget Sound Partnership (PSP) has created a plan for cleanup, restoration, and protection for Puget Sound (PSP 2011). The Action Agenda places Seattle in its South Central Action Area and identifies priority strategies for implementation, as well as near-term actions to support these strategies. The strategies include the following, in brief: acquisition and protection of habitat, revisiting SMA statutes, organizing strategic funding for habitat restoration and protection, funding/implementing stormwater retrofits, implementing salmon recovery recommendations, following low impact development requirements, addressing toxics and excess nutrients and securing Model Toxics Control Account (MTCA) funding, restoring floodplains, and working with local governments to implement the Action Agenda.

2.11 Puget SoundKeeper Alliance

The Puget Soundkeeper Alliance is a staff and citizen group working toward better water quality, specifically, eliminating pollution releases in Puget Sound. It implements programs to patrol and monitor Puget Sound waters, conduct legal action under the Clean Water Act, and engage with business, government agencies, and citizens regarding water and pollution issues.

2.12 Seattle Aquarium

The Seattle Aquarium implements education programs, including school field trips, citizen science, beach naturalists, and camps and family programs to educate the public about issues affecting aquatic biota in Washington. In 2011, the Aquarium initiated a convention of the major organizations working in Puget Sound conservation to form the Marine

Conservation Network, which brings awareness, cooperation, and action to its member groups.

2.13 University of Washington

The University of Washington (UW) has undertaken several efforts for shoreline restoration at its Seattle Campus. The UW has been awarded certification by Salmon-Safe, a regional environmental certification program, is active in wetlands restoration research, and has ensured public access, open space, and water-dependent recreational areas along its shorelines. By the adoption and implementation of the 2003 Campus Master Plan (CMP), the UW committed to promote elements of open space, transportation and circulation, and potential development, all within the intention to conserve and develop the campus in the future. As one example of this work, under the CMP, the UW owns and maintains the Union Bay Natural Area in northern Lake Union for recreation and natural shoreline environment purposes.

3 RESTORATION STRATEGY

This Section describes the methods by which SMP restoration strategies and applicable restoration actions were determined for Seattle shorelines. Identifying the applicable restoration actions relied upon the results of Seattle's Shoreline Characterization Report, which included a classification of impairment levels for basic ecological functions. The restoration actions identified are those actions that will lead to an improvement in the impaired ecological functions and/or those actions that protect existing functions.

3.1 Restoration Strategies

Restoration strategies are rooted in an understanding of how habitats are formed and maintained. The habitat type and habitat functions provided to specific species in shoreline and aquatic areas are products of the interaction of physical, chemical, and biological processes that occur in both the aquatic system and adjacent terrestrial areas (Naiman et al. 1995). In Ecology's *Guide to Watershed Planners to Understand Watershed Processes* (Stanley et al. 2005; Ecology publication No. 05-06-027), the authors use the term watershed processes to refer to "the dynamic physical and chemical interactions that form and maintain the landscape at the geographic scales of watersheds to basins (hundreds to thousands of square miles)." These processes and human-caused stressors combine to create, maintain, or destroy habitat.

This Plan considers ten processes in identifying the applicable restoration actions: delivery, movement, and loss of water, large woody debris (LWD), sediment, phosphorus, nitrogen, toxins, and pathogens, as they enter, pass through, and eventually leave the watershed. It also includes wave energy and tidal influences (tidal for marine shorelines only) because they are important processes affecting the shape and function of shorelines. Light energy is also included because light is an important control on vegetation and animal growth, distribution, and behavior. Changes in these processes impact the functions that the habitat supports for organisms. Therefore, the distribution and behavior of plants and animals are a response to the watershed processes that occur and the structure of habitat that is created. Where unfavorable changes have occurred in habitat structure and function due to interruption of these watershed processes, organisms are directly or indirectly negatively impacted, and there is a need to reinstate these processes for ecological health.

The four restoration strategies used in this document are protection, restoration of ecological processes, rehabilitation, or creation. These are derived from the Puget Sound Technical Recovery Team's (Puget Sound TRT's) concept of general habitat management

strategies developed for use used by watershed groups and others working for regional salmon recovery (Puget Sound TRT 2003), but apply well to shoreline habitats in general because salmon are highly dependent on shoreline areas for their growth and survival. The four strategies are described as follows.

- Protection can be applied where habitat is presently functioning at a high level and supports natural habitat-forming or -sustaining processes. For example, conserve the natural sediment delivery processes from a feeder bluff to the intertidal zone by keeping that section of shoreline unarmored.
- Restoration of ecological processes can be applied where habitat is impaired but natural processes can be recovered. For example, restore the natural sediment delivery processes from a feeder bluff to the intertidal zone by removing shoreline armoring that currently prevents bluff material from eroding and entering the intertidal zone.
- Rehabilitation can be applied where habitat is impaired and restoration of full function and supporting processes appears infeasible; however, limited improvements to functions and supporting processes can be achieved through partial re-establishment of ecosystem processes or functions. For example, rehabilitate the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by moving any sediment that erodes from the bluff over the armoring and into the intertidal zone.
- Creation can be applied where habitat function is lost through anthropogenic degradation and restoration and/or rehabilitation are not possible, but creation of habitat features to lead to replacement of lost function can be accomplished. For example, substitute the delivery of sediment from a feeder bluff to the intertidal zone in areas where armoring cannot/will not be removed, by importing sediment and placing it in the intertidal zone to "nourish" the beach.

The order of these general strategies reflects the degree to which a watershed process would be re-established or protected if the action were taken. That is, protection maintains natural processes, process restoration fully establishes natural processes, rehabilitation will partially re-establish natural processes, and creation will provide habitat features but does not address processes. Ideally, the preference for use of the strategies would be: 1) protect, 2) restore processes, 3) rehabilitate, and 4) create. However, in a highly developed area, the order is dependent on the site conditions. Depending on the location of a restoration site, the preference order would be modified where there are considerations of feasibility and likelihood of project success (as is discussed in Section 3.2).

3.2 Assessment of Existing Shoreline Impairments

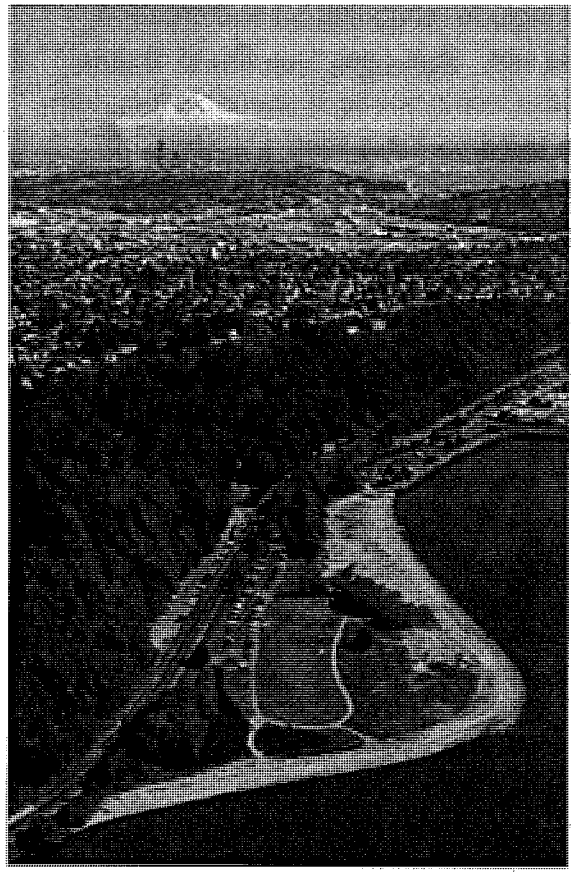
To assess degraded shoreline areas within the City, a science-based geographic information system (GIS) model was used to characterize the relative degree of habitat function or impairment of the City's shoreline habitat conditions. The results of this assessment are presented in the *City of Seattle Shoreline Characterization* Report (City of Seattle 2009). All City shorelines under SMP jurisdiction were evaluated, including those portions of the following waterbodies that occur in the City boundaries: Lake Washington, Lake Union and the Ship Canal, the Duwamish River, Puget Sound, including Elliott Bay and Shilshole Bay, and Green Lake. Associated wetlands along these shorelines also fall under shoreline management jurisdiction and were also evaluated the characterization report.

The characterization framework incorporated and applied current knowledge of Seattle's marine, estuarine, and lake shoreline ecology. The framework was based on a method that provides a streamlined approach for characterizing watershed processes developed by Stanley and others (2005), and adapted to this Plan using strategies identified by the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) Nearshore Science Team (Simenstad et al. 2006) and Battelle Marine Sciences Laboratory. The details of the assessment methods were largely patterned after King County's SMP *Appendix E, Technical Appendix* (2007). This appendix may be consulted for further information.

The *City of Seattle Shoreline Characterization Report* (City of Seattle 2009) identified the level of impact on habitat function in discrete shoreline areas, called "sub-reaches" within City limits. A consistent method was used for delineating sub-reaches in both marine and freshwater environments of the assessment area. The approach used aggregated areas based on a manual interpretation of natural breaks in the model results. These included areas of the shoreline with relatively consistent scores and areas with scores that varied within a distinct range, areas with a consistent trend in the scores along the shoreline, and in some cases distinct areas with extremely heterogeneous scores. Sub-reaches were grouped together to form reaches. Reach breaks were determined based on a transition in shoreline habitat condition or a change based on land use (e.g., include a park in one reach) or ecosystem (e.g., separate freshwater from marine). Reaches are depicted in Map A, Sub Reaches are depicted in the accompanying Map Folio, maps 1 - 25. Map A and the Map Folio are located in two separate documents.

Reaches were classified into five categories of degradation: most impaired, more impaired, moderately impaired, less impaired, and least impaired. These categories were useful for interpreting the relative level of impact among reaches and were appropriate for comparison across all shoreline environments of Seattle.

3.3 Landscape Context Considerations in Restoration Planning



This Plan considers impairment at the site scale in the context of the impairments within the larger landscape that encompasses the site. Landscape context is an important consideration in determining the appropriate restoration strategies for a site. For example, consider two sites that both scored as being moderately impaired in terms of sediment processes. One site is within a larger area (reach) that maintains some degree of natural sediment processes. A process restoration strategy for this site that is targeted to sediment process would be an appropriate strategy due to the fact that restoration is more likely to be sustained by intact processes nearby. Then, consider a second site located within a landscape that is severely impaired with regard to natural sediment processes. Process restoration focused on sediment at the site scale is not likely to be sustained due to the lack of intact processes in the surrounding landscape. For the second site, a strategy of rehabilitating the habitat by providing sediment in the area (e.g., beach nourishment), or a strategy focusing on other functions that are not as impaired at a reach scale (e.g., wave energy or toxins) would be more appropriate.

The following table provides guidance for strategies for each reach that could be suitable with a given level of impairment at sub-reaches versus reaches, depending on site and landscape characteristics (Table 1). The organization of the table was based on similar work cited in Stanley and others (2005), by Shreffler and Thom (1993), and by Booth and others (2004) that contemplated suitable restoration and protection efforts based on the degree to which the watershed processes and site functions have been altered. The table axes reflect the City's shoreline characterization impairment categories, and the contents are adapted as appropriate for the City's shoreline conditions. The concept of "*likelihood*" was carried through the table to list strategies that were logical for each landscape context scenario covered in Seattle's SMP. For example, consider a site along Seattle's Central Waterfront located in a "most impaired" sub-reach within the context of a "most impaired" reach. Because the shoreline is highly developed and impaired in this context, the restoration

strategies that would be *likely* to succeed and be maintained over time are those that raise functionality by improving local habitat features, as opposed to restoring processes. For a highly modified reach, appropriate strategies would include rehabilitation and creation, which aim to improve existing habitat features at the site. Strategies that aim to restore processes here are less appropriate, since the process would not be sustainable long-term without some landscape level change to land use in the area. This said, a strategy of process restoration in an area like this could be appropriate if changes to landscape-level conditions occur and the opportunity for sustainable process restoration arises.

Table 1

Guidance for Suitability of Restoration Strategies based on Level of Impairment

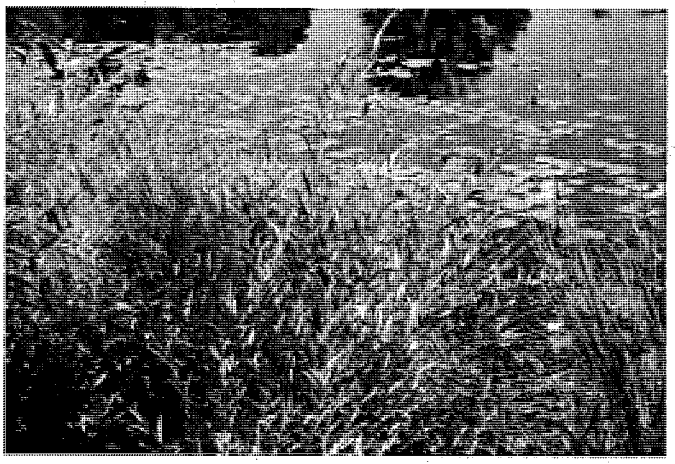
		Reach Scale Impairment				
		Least	**Less**	**Moderate**	**More**	**Most**
Sub-reach Scale Impairment	**Most**	Restore Process Rehabilitate*	Restore Process Rehabilitate*	Rehabilitate Restore Process Create*	Rehabilitate Create	Rehabilitate Create
	More	Restore Process Rehabilitate*	Restore Process Rehabilitate	Rehabilitate Restore Process Create	Rehabilitate Create	Rehabilitate Create
	Moderate	Restore Process Protect Rehabilitate	Restore Process Protect Rehabilitate	Rehabilitate Protect Restore Process Create	Rehabilitate Create Protect	Rehabilitate Create Protect
	Less	Protect Restore Rehabilitate	Protect Restore Process Rehabilitate	Protect Restore Process Rehabilitate	Protect Rehabilitate Create	Protect Rehabilitate Create*
	Least	Protect	Protect Restore Process Rehabilitate	Protect Restore Process Rehabilitate	Protect Rehabilitate	Protect Rehabilitate*

Notes:

* Combinations shown are strategies for each reach that could be suitable with a given level of impairment at sub-reaches versus reaches. Some combinations did not occur in the City's shorelines, as described in the *Seattle Shoreline Characterization Report* (City of Seattle 2009).

Table 1 indicates strategies that are considered most likely to occur and succeed. The absence of certain strategies in various boxes of the guidance in Table 1 does not preclude using other strategies if opportunities arise for an appropriate restoration action. For example, in a highly impaired sub-reach in a highly impaired reach, "protect" is not identified as a restoration strategy. However, if an opportunity arose to protect a valuable area within the sub-reach, the effort to do so might still be valuable, and the strategy of protection should not be dismissed.

In this Plan, Table 1 is used as guidance to match potential restoration strategies to various shorelines within the City. For this analysis, each sub-reach of the City's shorelines was fitted to boxes in this table, depending on its impairment level and the impairment level of its landscape (results of the impairment assessment are described in Section 5).



3.4 Habitat Protection and Conservation

Given the urban nature of the City, existing areas with high ecological function are rare. The areas that do exist are generally parks or other open spaces. Any protections that can be offered through implementation of this Plan or the SMP should maximize the conservation of ecological function. This will help meet the City's goals of protecting shoreline processes and functions, creating more natural shorelines that feature native plants and a diversity of habitats, and strengthening ecological and physical connections between habitats.

3.5 Application of Restoration Strategies

Identifying applicable restoration actions are necessary in order to guide the City's restoration implementation. Table 2 provides a list of restoration actions that encompass the typical elements of shoreline projects reviewed for this analysis, and identifies which watershed processes these restoration actions would generally address. This is not a comprehensive list of all restoration actions that are possible; it is a generalized list of the types of actions that have been proposed for Seattle shorelines.

Table 2

Restoration Actions and Watershed Processes Addressed

Restoration Action	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
Riparian Restoration, Noxious Plant Removal	X	X	X		X	X		X	X	
Daylighting Streams, Rehabilitate Channels		X	X	X		X	M			
Intertidal or Littoral Debris Removal, Groin Removal						X				X
Beach Nourishment						X				
Armoring Removal, LWD placement		X				X	M		X	X
Overwater Structure Removal	X	X								
Stormwater Treatment, Contaminant Removal			X	X	X			X		
Wetland Restoration			X	X	X	X		X	X	

Notes:
X Addresses process in both freshwater and marine waters
F Addresses process only in freshwater
M Addresses process only in marine waters

Restoration actions are later categorized in this Plan as High, Medium, or Low priority for large areas or waterbodies (i.e., multiple reaches) of the City shoreline. Priorities have been assigned corresponding to actions that address the specific, existing impacts to habitat function (these are discussed in more detail in the *Shoreline Characterization Report*; City of Seattle 2009).

Overall, the restoration actions shown in Table 2 and as later discussed in this Plan should be viewed in light of compatibility with current uses at a given site and scale in order to align with the goals and policies of the SMA and related rules. For example, this Plan may have armoring removal or LWD placement identified as an applicable restoration action along the Central Waterfront. While removal would provide the most ecological benefit to an unused shoreline, a beneficial retrofit or modification is more feasible, safer, and longer lasting in this setting.

3.6 Project Identification

This Plan makes use of existing research, monitoring and restoration planning efforts to identify feasible shoreline habitat restoration opportunities that could offer improvement in

shoreline ecosystem functions. These potentially improved functions are then compared against the results of the shoreline characterization effort to determine where the greatest need for restoration occurs. To determine restoration actions, the land use of the site, the level of impairment at the site, the opportunity for restoration and how well the restoration actions are able to address the impairments to specific processes are considered.

Every waterbody and shoreline that is the subject of this Plan is included in one or more of the following restoration or monitoring plans;

- Green Lake Vegetation Management Plan (Seattle 1996)
- *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
- *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
- *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* (WRIA 8 2005)
- *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 Steering Committee 2005)
- *Prioritization of Marine Shorelines of WRIA 9 for Juvenile Salmonid Habitat Protection and Restoration* (Anchor 2006)
- *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and USACE 2008)
- *Lower Duwamish River Habitat Restoration Plan (Port of Seattle 2009)*
- The Elliott Bay General Investigation (USACE 2009)

Projects identified as a priority for implementation within each of the restoration documents were reviewed for this Plan and categorized by the specific restoration actions included in the description of the project. Projects typically include more than one restoration action (i.e., bulkhead removal, littoral debris removal and restoration of riparian vegetation). This information was used to determine which potential projects have been identified as feasible and the specific impairments to shoreline habitat the restoration actions are most likely to address.

Strictly based on the analysis the results of the Shoreline Characterization Report, projects in highly impaired areas have a greater capacity for improvement to shoreline ecological function than areas with low impairments. However, depending on the restoration strategy, some projects in highly impaired areas in urban industrial shoreline environments may not be consistent with the City's vision for thriving water-dependent industrial and commercial uses (see Section 1.2 of this document) and the goals of the SMP to reserve shoreline areas for water-dependent and associated water-related uses (WAC 173-26-201). Some projects can also be less sustainable due to impairments of the processes necessary to sustain them over the long term (see section 3.2). Therefore, rather than setting high priorities for projects in the most impaired areas strictly based on high impairment, this Plan also sets priority for projects that have a priority status in one or more of the existing restoration plans, as well as actions that address the City's overall vision.

4 APPLICABLE RESTORATION ACTIONS

A summary of city-wide impairments and detail on impairments and the applicable restoration actions and projects for Seattle's shorelines is described below. Specific waterbodies are discussed in the following order: Lake Washington; Lake Union and the Ship Canal; the Duwamish River; Puget Sound, including Elliott and Shilshole Bays; and Green Lake. Impairments and restoration strategies are discussed on a reach scale, and then restoration actions that would be the most productive in meeting the overall plan goals are identified. Following the description of restoration actions, a short discussion highlights select projects that have been proposed and other restoration actions that address shoreline impairments identified in the *Shoreline Characterization Report* (City of Seattle 2009). For detailed descriptions of previously developed site-specific projects, see the existing restoration planning documents listed in Section 3.6.

4.1 City-wide Impairments Summary

Within Seattle, all shoreline habitats have been impaired to some degree by human alterations. There are some areas, however, that continue to provide relatively high quality habitat to a diversity of species, and have relatively intact shoreline ecosystem processes. The distribution of habitat impairments is uneven; the heavily industrialized shorelines of Lake Union downstream to the Ballard Locks, Elliott Bay, and the Harbor Island portion of the Duwamish River Estuary are the most impacted reaches with respect to their historic function. Even within these most impacted reaches, there are some areas with higher habitat function (i.e., less impairment). The least impacted areas in Seattle include Seward Park, Union Bay, West Point and Magnolia Bluffs, and Lincoln Park to Fauntleroy Cove. These areas provide relatively high quality habitat and intact processes. Between these two ends of the impairment spectrum are reaches with moderate amounts of impairment.

As explained in Section 3.1, as part of the shoreline characterization, each reach within the City was categorized as most, more, moderate, less, or least impaired. Reaches were comprised of smaller assessment units called sub-reaches which offer a finer scale indication of functional impairment (Maps 1 through 25). The restoration strategies for each sub-reach are determined by the level of impairment of that sub-reach and the reach that encompasses it (see Table 1). The number of sub-reaches with similar levels of impairment at the reach and sub-reach scale are shown below in Tables 3 and 4 for freshwater and marine shorelines, respectively. For freshwater habitats, many sub-reaches fall into the more impaired and most impaired categories at both the sub-reach and reach scale; according to Table 1, rehabilitation and creation are key strategies for a large number of

Seattle's freshwater sub-reaches. For marine/estuarine sub-reaches, many were moderately impaired or most impaired categories on the sub-reach scale as well as the reach scale, and therefore the strategies of rehabilitation, protection, restoration, and creation are important in these sub-reaches. Overall, this table illustrates that much of the City's highly impaired shoreline habitat is within a landscape context of high impairment as a whole. Similarly, habitat that is highly functional is generally within the context of highly functional landscapes as well.

Table 3

Freshwater Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				3	12
	More		4	1	7	13
	Moderate	1	3	3	8	4
	Less	1	4	5	5	
	Least	5	6		1	

Table 4

Marine Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				8	10
	More				8	3
	Moderate			13	18	6
	Less	3	7	6	4	
	Least	6	1	2	3	

4.2 Lake Washington

Lake Washington has lost much of its shoreline habitat connectivity and complexity because of hydrologic modifications within the Lake Washington system, including the lowering of lake level by approximately 10 feet, loss of riparian vegetation, installation of bank armoring, and construction of overwater structures associated with the urbanized watershed today. About 66 percent of the lake shoreline in the City is armored and more than 900 overwater structures are in place (Toft et al. 2003a and 2003b). Less than 25 percent of the shoreline contains natural vegetation (Toft 2001). Overwater structures have the potential to negatively impact benthic production and fish communities, including the rearing and migration of juvenile salmon and other fish species supported by the shallow water habitat.

4.2.1 Impairments

The number of sub-reaches in Lake Washington with specific levels of impairment at the reach and sub-reach scale are summarized below in Table 5, based on the restoration strategies in Table 1.

Table 5

Lake Washington Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairments	Most				2	
	More		4	1	6	
	Moderate	1	3	2	6	
	Less	1	4	4	5	
	Least	5	6			

On the northern shores of Lake Washington within City limits, residential development has contributed to higher amounts of impervious surface, a lack of overhanging and riparian vegetation, extensive shoreline armoring, and numerous docks and overwater structures.

Riparian vegetation does occur at some small locations, such as parks along the Burke Gilman multi-use Trail and the Thornton Creek delta. South of Magnuson Park, there is a large wetland complex and intact mixed forest near the shore, and further south, the northern portion of Union Bay has extensive marshy shorelines with unarmored conditions and some mature trees. Between the Washington Park Arboretum and Seward Park, shorelines decrease in ecological function, as docks and armoring increase and shoreline vegetation is limited. Park shorelines are typically not as impaired; in fact the arboretum, Seward Park and Colman Park shorelines all have relatively high ecological function, with generally little shoreline armoring and relatively high native or mixed-native vegetation cover. The remainder of the Lake Washington segment to the southern City limit is characterized by patches of higher habitat functionality, generally where parks occur. In much of this area, shoreline armoring, docks, and lawns occur, and habitat function is more impaired.

In summary, highest functioning areas include mature vegetated areas of the segment along the Burke-Gilman Trail, Matthews Beach (although these shorelands are set back from the water's edge), the Thornton Creek delta, Union Bay Natural Area (north Union Bay), and parks including the Washington Park Arboretum. Lowest functioning habitats include residentially developed areas where docks and armoring predominate, particularly in the areas south of Martha Washington Park and from Madison Park to Colman Park (not including the parks).

Using the analysis described in Section 4.1, reaches were scored based on the condition of the various ecosystem processes. This score information can be further used to identify processes contributing most to shoreline impairment for a given area. *The Shoreline Characterization Report* (City of Seattle 2009) provided process rank scores for each reach and charted the score distribution among reaches with the classification breaks between high, moderate, and low impairment. Table 6 shows these impairment categories.

These results indicate that the most impaired process in the Lake Washington shoreline segment is nitrogen; however, data taken by King County indicate that nitrogen is not a problem unless current levels of phosphorous increase (Tetra Tech and Parametrix 2003). Nitrogen can be a problem for Puget Sound and because Lake Washington drains into Puget Sound the nitrogen from Lake Washington will enter the Sound. The many tributary streams and drainage pipes that enter Lake Washington carry both phosphorous and nitrogen from runoff that contains fertilizers sourced from lawns in residential areas. Wetlands that historically provided nutrient uptake for streams entering Lake Washington have been removed and there are now more impervious surfaces in the watersheds.

Table 6

Impairment Category from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Lake Washington—City Shorelines

Reach No.	Reach Description	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
1	Northern City Limit to Magnuson Park	Moderately Impaired									
2	Magnuson Park	Less Impaired									
3	Laurelhurst	Less Impaired									
4	Union Bay	Least Impaired									
5	Madison Park to Colman Park	More Impaired									
6	Colman Park to Seward Park	Less Impaired									
7	Seward Park	Least Impaired									
8	Seward Park to Southern City Limit	More Impaired									

Notes:

High Impairment

Moderate Impairment

Low Impairment

Other highly impacted processes are sediment, toxins, pathogens, phosphorus, water and waves. Sediment processes are more impaired at the northern and southern city limits, due to the high amounts of impervious surface area near the shoreline. Pathogens and toxins impair shorelines on a patchy basis, depending on the level of development of the nearby shoreline. The water process is more impaired south of Union Bay as development increases and unarmored shorelines are limited. Wave processes are impacted by extensive overwater structures and shoreline armoring.

As shown in Table 6, model results suggested that the least impaired processes in the Lake Washington segment are LWD and light. LWD occurs along lake shorelines where shores are less developed, such as near the parks and vegetation cover is present in many areas

within shorelands (200 feet of the shoreline), light conditions are not likely to be limited in these areas. The City's Lake Washington shoreline, however, does have approximately 750 residential docks that extend 30 to 100 feet from the shoreline and cover an estimated 4 percent of the lake surface area within 100 feet of the shore (Weitkamp et al. 2000). Residential structures are densely concentrated at the shoreline in many areas, creating a barrier between the shorelands and the water. Natural light conditions would be limiting in the shallow aquatic zones just waterward of these areas due to the overwater pier structures.

Artificial lighting at night was not part of the characterization report; however, artificial light has been shown to impact fish predation (Tabor et al. 1998). Projects that reduce the amount of artificial light would benefit fish habitat within Seattle.

4.2.2 Applicable Restoration Actions

Based on these impairments, the applicable restoration actions for the Lake Washington segment determined to be High, Moderate, or Low in Table 7. This table was completed by combining the impairment levels for each reach presented in Table 6 with the restoration actions and watershed processes addressed that were described previously in Table 2. For example, Table 6 shows that in Reach 1 (Northern City Limit to Magnuson Park), the watershed process "nitrogen" and "sediment" are highly impaired. Table 2 identifies the restoration actions that would address nitrogen issues as: riparian restoration/noxious plant removal, daylighting streams/rehabilitating channels, stormwater treatment/contaminant removal, and wetland restoration and these five actions would be assigned as most applicable restoration actions for this reach. The sediment process was also highly impaired, so the actions of intertidal/littoral rubble/groin removal, beach nourishment, armoring removal/LWD placement, and wetland restoration would also be assigned as the most applicable restoration actions for this reach. The LWD process was moderately impaired, so riparian restoration/noxious plant removal, daylighting streams/rehabilitating channels, armoring removal/LWD placement, and overwater structure removal would be assigned as moderately applicable for this reach. However, riparian restoration/noxious plant removal and armoring removal/LWD placement were already assessed as being most applicable; therefore these actions remain highly applicable. Restoration actions to address "low impairment" light conditions would include riparian restoration/noxious plant removal and overwater structure removal, and riparian and overwater structure work are already assigned as most applicable, so these actions remain highly applicable. Additionally, the actions identified for restoration are also considered important for providing habitat for juvenile Chinook salmon.

Reaches that have the greatest need for restoration actions are those that are highest impaired in the Lake Washington segment, referenced by Reach Impairment Category in Table 7: Reach 5 (Madison Park to Colman Park) and Reach 8 (Seward Park to Southern City Limit).

Previous restoration planning documents (see Section 3.6) do not identify any projects for Reach 5, but protecting high quality habitat where it exists in small patches has been suggested. The *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003) recommended protecting the high quality aspects of swim beach habitat at Madison Park, Madrona Beach, and Colman Park. Compared to armored shorelines of most of Lake Washington, swim beaches typically have small substrates with gentle shoreline slopes that can provide refuge and feeding habitat for juvenile salmon and other small fish. Tabor and others (2004) noted relatively high juvenile Chinook salmon use of such areas in the southern parts of Lake Washington. Therefore, creating additional natural beach areas with riparian vegetation in the reach are appropriate restoration actions.

Additional restoration actions that are applicable in this reach include those that would address toxin inputs and its upstream tributary subbasins, with actions such as riparian restoration, stormwater treatment/contaminant removal and wetland restoration, as suggested above. The remaining processes are "moderately" impacted; therefore, additional restoration actions would include overwater structure removal, LWD placement and removal of shoreline armoring.

Table 7

Applicable Restoration Actions—Lake Washington

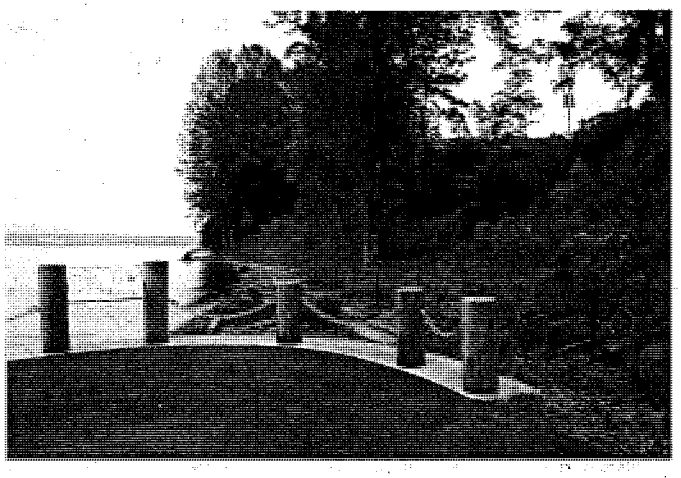
Reach #	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment	Armoring Removal	Overwater Structure Removal	Stormwater treatment	Wetland Restoration
1	Northern City Limit to Magnuson Park	Moderately Impaired	Low	High	High	High	High	High	High	High	High
2	Magnuson Park	Less Impaired	Moderate	Moderate	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate
3	Laurelhurst	Less Impaired	Moderate	High	High	Moderate	Moderate	Moderate	Moderate	High	High
4	Union Bay	Least Impaired	High	Moderate	Moderate	Low	Low	Low	Low	Moderate	Moderate
5	Madison Park to Colman Park	More Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High
6	Colman Park to Seward Park	Less Impaired	Moderate	High	High	Low	Low	Moderate	Low	High	High
7	Seward Park	Least Impaired	High	Low	Low	Low	Low	Low	Low	Low	Low
8	Seward Park to Southern City Limit	More Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High

Notes:

a. Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

b. Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 5, a project sponsored by Friends of Madrona Woods, affiliated with the Madrona Community Council, recontoured existing stream beds, constructed culverts to flow under 38th Avenue and Lake Washington Boulevard, and created a new stream channel and wetland cove at the lakeshore in Madrona Park. This project addressed the restoration actions of riparian and wetland restoration, as well as stream daylighting, all of which are listed as High priority in Table 7.



In Reach 8, several projects have been proposed and implemented, including completed beach nourishment and substrate enhancements at Seward Park and in-progress enhancements near South Alaska Street (Seattle 2003). Three littoral zone and shoreline riparian projects have been proposed or completed: one proposed at Pritchard Island Beach, and two completed, one at Martha Washington Park and the other at Rainier Beach, also known as Chinook Beach (Anchor 2003). Additionally, daylighting Mapes Creek at its mouth is a proposed project that will occur in the next several years. The completed projects were too recent to be reflected in datasets used in the GIS model, but they address most of the applicable restoration actions because they provide riparian vegetation and improvements to substrate that will benefit fish and wildlife using the shoreline. Similar to the northern reach discussed previously, restoration actions are still needed that would address the nitrogen problem in the reach as well as its contributing drainage areas.

High priority areas for habitat protection include those with the least impairments: the wetland habitats of Union Bay and the areas of unarmored shoreline and riparian vegetation at Seward Park, in addition to any recent restoration project sites. The Union Bay Natural Area contains areas of former landfill with specific landfill cap maintenance requirements that were incorporated into existing athletic field construction and maintenance programs, so any proposed protection for this area will need to incorporate recognition of these activities.

In addition to the information regarding the level and detail of impairments and the applicable restoration actions to be taken on Lake Washington shorelines provided in *The Shoreline Characterization Report* (City of Seattle 2009), the *Synthesis of Salmon Research and Monitoring, investigations conducted in the western Lake Washington Basin* (SPU and

USACE 2008) should be used when evaluating shoreline habit conditions and the appropriate restoration actions for the shoreline of Lake Washington. The information in this synthesis document includes the results and analysis of many years of studies focusing on the use by Chinook salmon of the Lake Washington and Ship Canal shorelines.

Table 8 provides a list of projects for the Lake Washington shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 8
Projects for Lake Washington

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Matthews Beach	Parks	1-e	More Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD **Nitrogen** Pathogens Phosphorus **Sediment** Toxins Water Wave
Matthews Beach	Parks	1-f	Less Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD **Nitrogen** Pathogens Phosphorus **Sediment** Toxins Water Wave
Sand Point Magnuson Park	Parks	1-g	Moderately Impaired	Moderately Impaired	• **Riparian** • **Armor**	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Sand Point Magnuson Park	Parks	2-a	More Impaired	Less Impaired	• Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Sand Point Magnuson Park	Parks	2-b	Least Impaired	Less Impaired	• Protect[4] • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Sand Point Magnuson Park	Parks	2-c	More Impaired	Less Impaired	• Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
East Montlake Park	Parks	4-c	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Madison Park	Parks	5-a	More Impaired	More Impaired	• Armor	LWD Sediment Water Wave
Madison Park	Parks	5-b	Less Impaired	More Impaired	• Armor	LWD Sediment Water Wave
Lake WA Blvd, C287[1]	WRIA 8	5-f	More Impaired	More Impaired	• Riparian • Debris removal	Light LWD Nitrogen Phosphorus Sediment **Toxins** Water
Colman Park	Parks	6-a	Least Impaired	Less Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Lake WA Blvd South near South McClellan St	Blueprint	6-c	Least Impaired	Less Impaired	• Protect • **Riparian**	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Lake WA Blvd South, C281	WRIA 8	6-d	Moderately Impaired	Less Impaired	• **Riparian** • Debris Removal	Light LWD Nitrogen Phosphorus Sediment Toxins Water
Lake WA Blvd South, C281	WRIA 8	6-e	Moderately Impaired	Less Impaired	• **Riparian** • Debris Removal	Light LWD Nitrogen Phosphorus Sediment Toxins Water

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Processes Addressed by Restoration Actions[3]
Seward Park	Parks	7-a	Least Impaired	Least Impaired	• Protect • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Seward Park	Parks	7-b	Least Impaired	Least Impaired	• Protect • Riparian • Beach • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Pritchard Island Beach	Parks	8-c	Less Impaired	More Impaired	• Riparian • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Mapes Creek Daylighting *(currently scheduled for 2013-2014)*	N/A	8-e	More Impaired	More Impaired	• Daylighting Streams • Riparian • Armor	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Notes:

1 Parks: *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)
Blueprint: *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)
WRIA 8: *Lake Washington/ Cedar/ Sammamish Watershed Chinook Conservation Plan* (WRIA 8 2005)

2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 7.
- Riparian: riparian vegetation restoration
- Beach: beach nourishment or enhancement, Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
- Armor: armoring removal, LWD placement

3 These numbered codes correspond to project numbers given in the WRIA 8 document (WRIA 8 2005). "Protect" is listed as an action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

4.3 Lake Union and Ship Canal

For the Lake Union and Ship Canal segment, reach assignments based on reach and sub-reach impairment categories are summarized in Table 9. This table illustrates that most Lake Union shorelines are located within a landscape context of most impairment.

Table 9

Lake Union Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				1	9
	More				3	10
	Moderate				2	2
	Less				1	
	Least	1		1	1	

The following section describes the impairments in the Lake Union and Ship Canal segment, as well as applicable restoration actions.

4.3.1 Impairments

The shoreline in the Lake Union and Ship Canal segment is highly urbanized. Numerous water-dependent facilities dominate the shoreline and have displaced most riparian vegetation with heavy shoreline armoring, near continuous impervious surfaces, overwater structures, and combined sewer overflow (CSO) and stormwater outfalls. However, this area is the migration corridor for all salmonids into and out of the system. The south shoreline of Portage Bay is the highest functioning habitat in this segment, while the west shoreline of Portage Bay and Fisherman's Terminal are the most impaired.

Table 10 illustrates impairment ranges for the reaches in this segment. This table was completed in the same manner as Table 6.

Table 10

Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Lake Union and Ship Canal—City Shorelines

Reach No.	Reach	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
9	Montlake Cut and Portage Bay	More Impaired									
10	Lake Union	Most Impaired									
11	Fremont Cut	Most Impaired									
12	Salmon Bay Waterway	Most Impaired									

Notes:

High Impairment

Moderate Impairment

Low Impairment

These results indicate that the most highly impaired processes in Lake Union and Ship Canal shorelines are LWD, phosphorus, sediment delivery and movement, toxins, and water, with toxins as the most impaired. The impairment of toxins, as well as other water quality processes, is caused by contaminated surface water discharge from the upland areas in addition to several CSO locations in this segment. The lower levels of nitrogen impairment identified in the model result from differences in the inputs into the nitrogen process model relative to other water quality related process (namely, the presence of lawn areas within 200 feet of the shoreline). Sediment and water processes have been impaired by the high levels of impervious surface area throughout the shoreline of the segment. Water processes have also been impaired by the management and constriction of water flow to and from Lake Union through the Ballard Locks. Lack of source wood is one reason for LWD impairment, because riparian vegetation is almost completely absent from this urbanized and industrial shoreline.

Additionally, water quality studies indicate that high water temperatures and low dissolved oxygen are problems in late summer, which will causes stress in salmonids.

4.3.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Lake Union and Ship Canal waterbody are categorized as High, Moderate, or Low in Table 11. This table was completed in the same manner as Table 7.

Given the reach impairment categories shown in Table 11, all restoration actions are applicable for all the reaches; Reach 9 (Montlake Cut and Portage Bay) is slightly less impaired than the other three reaches.

The WRIA 8 2005 Salmon Conservation Plan identifies several actions that could benefit habitat and water quality in the Lake Union and Ship Canal area. In Reach 9 (Montlake Cut and Portage Bay) these activities include exploring methods to reduce salmonid predation in Portage Bay and exploring options for deepening the Montlake Cut to allow colder water from Lake Washington to flow into Lake Union. The impetus behind this project is to address water temperature issues in Lake Union to benefit juvenile salmon, and it could potentially change the movement of water in the reach and beyond. The *Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan* notes that technical water quality and hydrodynamic issues would need to be evaluated before this project could move forward. Restoration of sediment processes has been proposed for the area on the south side of the Ship Canal through Salmon Bay (CGS 2005).

Table 11
Applicable Restoration Actions—Lake Union and Ship Canal

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
9	Montlake Cut and Portage Bay	More Impaired	Low	High	N/A	Moderate	Moderate	High	Moderate	High	High
10	Lake Union	Most Impaired	Low	High	N/A	High	High	High	High	High	High
11	Fremont Cut	Most Impaired	Low	High	N/A	High	High	High	High	High	High
12	Salmon Bay Waterway	Most Impaired	Low	High	N/A	High	High	High	High	High	High

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 10 (Lake Union), Eastlake landowners and interested community and nonprofit groups have created a street-end park (Good Turn Park) at East Martin Street and Fairview Avenue. The park has enhanced substrate and riparian vegetation, both listed as High priority on Table 11.

Also in Reach 10, an action proposed is to improve drainage from Wallingford. In Reach 11 (Fremont Cut), projects proposed are to improve water quality by implementing riparian restoration near the Ballard Bridge and treatment of run-off from the bridge (WRIA 8 2005). This would improve the following processes: LWD, nitrogen, pathogens, phosphorus, sediment, toxins, and water in this area.

Reach 12 (Salmon Bay Waterway) terminates at the Ballard Locks, which constrain water flow between Lake Union and Puget Sound. There are two proposed projects in this area. One project proposes constructing a more natural, fairly wide, and long channel at the locks to allow for better salmon passage (WRIA 8 2005). This project would likely change movement of water in the reach and beyond, and the *Lake Washington/ Cedar/ Sammamish Watershed Chinook Salmon Conservation Plan* notes that there are significant design challenges and feasibility that would need to be evaluated before this project could move forward. Another project at Commodore Park, just downstream of the locks on the south bank, proposes to remove the seawall, re-grade the shoreline to a gentler slope, daylight Wolfe Creek (that flows into the park) and create a pocket estuary in this location (WRIA 8 2005). There are several other projects proposed at the locks, mostly related to improving fish passage and the location and size of the saltwater transition zone.

Because the impairment level of the Lake Union and Ship Canal reaches is so high, essentially every category of restoration action in Table 11 is an applicable restoration action in this area, and projects most needed are those that combine restoration actions to address several processes at once.

High priority areas for habitat protection include those with the least impairments, such as East Montlake Park, as well as any recent restoration project sites such as Salmon Bay Natural Area.

Table 12 provides a list of priority projects for the Lake Union and the Ship Canal shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 12
Projects for Lake Union and the Ship Canal

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
7th Avenue Street End Restoration[6] *(completed project)*	WRIA 8	9-b	More Impaired	More Impaired	--	--
Montlake Playfield[6] *(completed project)*	--	4-c 4-d 4-e	Least Impaired	More Impaired	--	--
South Wallingford Drainage Improvements, M212[5]	WRIA 8	10-a 10-b 10-c 10-d 10-e 10-f 10-g 10-h 10-i 10-k 10-l	Moderately to Most Impaired	Most Impaired	• **Stormwater**	Nitrogen **Pathogens Phosphorus Toxins**
Bank Softening at Gasworks Park, M213	WRIA 8	10-b	Moderately Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**
Remove North Lake Union In-Water Structures, M214	WRIA 8	10-a 10-b 10-c 10-d	Moderately to Most Impaired	Most Impaired	• **Overwater**	**Toxins Light Sediment**
Aurora (99) Bridge Shoreline Restoration, M211	WRIA 8	10-d, 10-m	Most Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Fremont Bridge Shoreline Restoration, M210	WRIA 8	11-a, 11-e	Moderately Impaired, More Impaired	Most Impaired	• **Armor** • **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins**
Ballard Bridge Shoreline Restoration, M208	WRIA 8	12-a, 12-e	More Impaired, Most Impaired	Most Impaired	• **Riparian**	**Light LWD** Nitrogen **Phosphorus Sediment Toxins Water**
Ballard Bridge Water Quality Improvements, M209	WRIA 8	12-a, 12-e	More Impaired, Most Impaired	Most Impaired	• **Stormwater**	Nitrogen **Pathogens Phosphorus Toxins**
Commodore Park and Wolf Creek Restoration, M250	WRIA 8	17d	Less Impaired	More Impaired	• **Armor** • **Riparian** • Daylighting	**Light LWD** Nitrogen **Pathogens Phosphorus Sediment Toxins Water**

Notes:

1 WRIA 8: *Lake Washington/ Cedar/ Sammamish Watershed Chinook Conservation Plan* (WRIA 8 2005)

2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 11.
- Protect: protect and conserve
- Riparian: riparian vegetation restoration
- Debris Removal: Intertidal or littoral rubble removal, groin removal
- Armor: removal of artificial shoreline hardening including bulkheads and seawalls
- Stormwater: treat or deal differently with stormwater and/or runoff, especially that which contains contaminants and excess nutrients.

3 **Bold** indicates that the specific process addressed is highly impaired within one or more of the sub reaches covered by the project, based on Table 10.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the WRIA 8 document (WRIA 8 2005).

6 Both the Montlake and the 7th Avenue projects were constructed after the shoreline inventory was completed (*Marine Shoreline Inventory Report*, Anchor 2004).

4.4 Duwamish River

For the Duwamish River segment, reach assignments based on reach and sub-reach impairment categories are summarized in Table 13. This table illustrates that many Duwamish River shorelines are located within a landscape context of more impairment.

Table 13

Duwamish River Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most				3	
	More				2	
	Moderate				9	1
	Less				2	
	Least				3	

The following section describes the impairments in the Duwamish River segment, as well as applicable restoration actions.

4.4.1 Impairments

In the Duwamish River segment, shoreline habitat conditions along Harbor Island and its waterways contain mainly port terminals and commercial shipping facilities. Because of this, shallow shoreline habitat is almost entirely absent or impacted due to the extensive dredging and overwater coverage created by numerous docks and wharfs. There is one small area along Harbor Island providing shallow water habitat despite armored shorelines: the southern shoreline of Terminal 27 on the eastern shore of the East Waterway. The headwaters of Puget Creek, located on the western shore of the Duwamish River, have been the focus of much restoration. Further upstream in the Duwamish, shorelines are heavily urbanized to support industrial activities, but the multiple small areas that have been restored contribute some functional value.

There are few high functioning habitat areas in the Duwamish River segment; these shoreline areas are found along Kellogg Island, the adjacent shoreline to the west, and the eastern shore across the river from the island. Lowest functioning habitats include the industrial shorelines of the rest of the segment.

Table 14, indicates impairment ranges for the reaches in the Duwamish River segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

Table 14

Impairment ranges from *Shoreline Characterization Report* (City of Seattle 2009) for various watershed processes at Duwamish River – City shorelines

Reach No.	Reach	Reach Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
13	Harbor Island and Waterways	Most Impaired										
14	Lower Duwamish River	More Impaired										

Notes:

High Impairment

Moderate Impairment

Low Impairment

These results indicate that the most highly impaired processes along the Duwamish River segment are light, LWD, nitrogen, phosphorus, toxins, water, and wave energy. An almost complete lack of riparian vegetation in the zone within 200 feet of the shoreline and the numerous overwater structures such as docks and piers on the industrial shorelines of the river itself are key reasons for impaired shoreline light conditions. Impairment of the LWD process is caused by the lack of riparian vegetation that provides LWD sources both in the river and upstream. This lack of LWD is a persistent problem throughout Seattle's marine shoreline. Impairment of water and water quality processes is mainly due to urban development impacts such as wetland and shoreline vegetation loss in the Duwamish Estuary, and the high levels of impervious surface area in this segment. This problem occurs at a high level along the industrial shorelines of most of the segment.

Results also indicate that processes that are not as highly impaired across Duwamish River segment shorelines are sediment and tidal regime. These processes are still impaired, but not as highly as the other eight processes. The key reason for impairment of tidal regime is the encroachment of shoreline armoring on ordinary high water (OHW), which in the Duwamish River is often sheet-pile wall or other near-vertical armoring. Disruptions in sediment processes and wave energy are also due to this armoring, which occurs on virtually all of the shorelines in this segment.

4.4.2 Applicable Restoration Actions

Based on these impairments, the applicable restoration actions for the Duwamish River segment are categorized as High, Moderate, or Low in Table 15. This table was completed in the same manner as Table 7.

Given the reach impairment categories shown in Table 15, all restoration actions are highly applicable in both reaches; the Lower Duwamish River reach is slightly less impaired than the Harbor Island and Waterways reach.

Table 15
Applicable Restoration Actions—Duwamish River

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal/ Groin Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
13	Harbor Island and Waterways	Most Impaired	Low	High	High	Moderate	Moderate	High	High	High	High
14	Lower Duwamish River	More Impaired	Low	Moderate	Moderate	Moderate	Low	Moderate	Moderate	Moderate	Moderate

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most").

In Reach 13 (Harbor Island and Waterways), several projects have been proposed that include a number of the restoration actions listed as most applicable, which are armoring removal and riparian and wetland restoration at Terminal 105, West Bank line at River Mile 0.1, a pocket habitat project has been suggested, to include armoring removal, wetland and riparian vegetation plantings, and gentler shoreline slopes (Port of Seattle 2009). There is also a proposed Bluefield Holdings/City of Seattle project on the west side of West Waterway, which would include shoreline re-grading, riparian vegetation plantings, and an interpretive trail. An example of a completed project is the Terminal 105 Coastal America site, which constructed a long channel perpendicular to the river that provides riparian and wetland habitat (Seattle 2003).

In Reach 14 (Lower Duwamish River), many projects have been proposed that include armoring and rubble removal, shoreline re-grading, bank revegetation, marsh plantings, LWD installations, and other shoreline-focused activities, as detailed in the *Lower Duwamish River Habitat Restoration Plan* (LDR Plan; Port of Seattle 2009). A completed project of this type in this area is Herring's House Park, which established areas of high intertidal salt marsh vegetation with a protective perimeter buffer of upland riparian vegetation. These are the types of projects that are highest priority in order to address the impairments in this reach. Connecting several of these projects on a landscape level as suggested in the LDR Plan, is likely to have the most benefit, as this reach is highly impacted and industrial as a whole. Another project completed in Reach 14 is the street end at 8th Avenue South (sub-reach 14-z), which received native plantings in 1993, followed by subsequent plantings and maintenance to control invasive weeds.

High priority areas for habitat protection in the Duwamish River include those with the least impairments, which are sparse in Reach 14. These areas would likely be limited to recent project sites such as Herring's House Park, and the Terminal 105 Coastal America site.

Table 16 provides a list of priority projects for the Duwamish River shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 16
Projects for the Duwamish River

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
BE-1[5]	Elliott Bay	13-a	Moderately Impaired	Most Impaired	• **Overwater**	Light LWD
BE-1	Elliott Bay	13-b	Most Impaired	Most Impaired	• **Overwater** • **Armor** • **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Tide Toxins Water Wave**
Section 1, North, Terminal 106, East Bank Line, Project 2	LDR Plan	13-f	More Impaired	Most Impaired	• **Riparian** • Beach	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Terminal 105, West Bank Line, Project 1	LDR Plan	13-g	Moderately Impaired	Most Impaired	• **Riparian** • Debris Removal • **Wetland restoration**	**Light LWD Nitrogen** Pathogens **Phosphorus** Sediment **Toxins Water**
Southwest Spokane St	Bluefield/ City of Seattle Master Lease	13-h	xxxxxx	Most Impaired	• Not listed in the source document	N/A
West Side West Waterway: Spokane St Bridge	Bluefield/ City of Seattle Master Lease	13-h,	xxxxxx	Most Impaired	• Not listed in the source document	N/A
East Side West Waterway: Spokane St Bridge	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
West Waterway, north of Spokane, south of Fisher Mill	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
Southwest Spokane St, SW Klickitat Way and Parcel 7666703000	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
West Side East Waterway	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
10th Avenue South	Bluefield/ City of Seattle Master Lease	13-l	Most Impaired	Most Impaired	• Not listed in the source document	N/A
Fisher Mills	Elliott Bay	13-l	Most Impaired	Most Impaired	• **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Elliott Bay, West	WRIA 9 Prioritization	13-n	More Impaired	Most Impaired	• **Riparian**	**Light LWD Nitrogen Phosphorus** Sediment **Toxins Water**
Section 1, North, Terminal 106, East Bank Line, Project 2	LDR Plan	14-a	Moderately Impaired	More Impaired	• Riparian • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 1, North, Terminal 106, East Bank Line, Project 3	LDR Plan	14-b	Moderately Impaired	More Impaired	• LWD • Riparian • Beach • Wetland Restoration (intertidal benches)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Tide Water Wave
Section 1, North, Terminal 106, East Bank Line, Project 3 + extend bank line along Federal Center South shoreline	N/A	14-c	Moderately Impaired	More Impaired	• LWD • Riparian • Beach • Wetland Restoration (intertidal benches)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Tide Water Wave
Section 2, North Central, Northwestern Glass Company, East Bank Line, Project 5	LDR Plan	14-e	Moderately Impaired	More Impaired	• Riparian • Debris Removal • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, Northwestern Glass Company, East Bank Line, Project 5	LDR Plan	14-f	Moderately Impaired	More Impaired	• Riparian • Debris Removal • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, British Plaster Board, East Bank Line, Project 6	LDR Plan	14-g	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 2, North Central, Southwest corner Slip Two, East Bank Line, Project 7	LDR Plan	14-h	Most Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 2, North Central, North First Avenue South Bridge, East Shoreline, Project 9	LDR Plan	14-h	Most Impaired	More Impaired	• Beach (intertidal bench) • Riparian	Light LWD Nitrogen Phosphorus Sediment Toxins Water
North of 1st Ave South Bridge	Bluefield/ City of Seattle Master Lease	14-h	Most Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, Cold Storage Warehouse / Industrial Upland Site, East Shoreline, Project 12	LDR Plan	14-k	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, South Othello Street to 8th Avenue South, East Shoreline, Project 16	LDR Plan	14-m	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Georgetown Steamplant Pump Station	Bluefield/ City of Seattle Master Lease	14-m	Moderately Impaired	More Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
8th Avenue South	Bluefield/ City of Seattle Master Lease	14-m	Moderately Impaired	More Impaired	• Not listed in the source document	N/A
Section 3, South Central, SW Corner, 8th Ave South, East Shoreline, Project 17	LDR Plan	14-n	Moderately Impaired	More Impaired	• Riparian • Debris removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, SW Corner Slip 4 and Adjacent Upstream Bank line, East Shoreline, Project 18	LDR Plan	14-o	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
Section 3, South Central, SW Corner Slip 4 and Adjacent Upstream Bank line, East Shoreline, Project 18	LDR Plan	14-p	Most Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
West Marginal Way SW at Terminal 107, *(completed project)*	LDR Plan	14-t	Least Impaired	More Impaired	• Protect[4] • Riparian • Debris removal (shoreline and littoral)	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 1, North, Terminal 107, Kellogg Island, West Bank Line, Project 4	LDR Plan	14-u	Least Impaired	More Impaired	• Protect • Riparian • Debris Removal (shoreline and littoral) • Beach	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Section 2, North Central, North First Avenue South Bridge, West Shoreline, Project 10	LDR Plan	14-x	More Impaired	More Impaired	• Beach • Riparian • LWD • Armor • Overwater	Light LWD Nitrogen Phosphorus Sediment Tide Toxins Water Wave
Section 2, North Central, Southwest Terminal 115, West Bank Line, Project 8	LDR Plan	14-x	More Impaired	More Impaired	• Riparian • LWD • Wetland Restoration • Overwater	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water
South of 1st Ave South Bridge	Bluefield/ City of Seattle Master Lease	14-x	More Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, South First Avenue South Bridge, West Shoreline, Project 11	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • Beach • Debris Removal (shoreline)	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave
South Orchard Street	Bluefield/ City of Seattle Master Lease	14-y	More Impaired	More Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
2nd Avenue South	Bluefield/ City of Seattle Master Lease	14-y	More Impaired	More Impaired	• Not listed in the source document	N/A
Section 2, North Central, South Orchard Street / Second Ave South, West Shoreline, Project 13	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • Beach (intertidal bench) • Debris Removal (shoreline) • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Toxins Water Wave
Section 3, North Portion Existing Barge Cargo Facility, West Shoreline, Project 14	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • LWD • Debris removal • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave
Section 3, South Fontanelle Street/Fifth Avenue South Upstream Along Derelict Industrial Bank Line, West Shoreline	LDR Plan	14-y	More Impaired	More Impaired	• Riparian • LWD • Debris removal • Wetland Restoration	Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave
Duwamish Waterway Park	Bluefield/ City of Seattle Master Lease	14-aa	Moderately Impaired	More Impaired	• Not listed in the source document	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
Section 3, South Central, South Chicago Street to South Kenyon Street, West Shoreline, Project 19	LDR Plan	14-aa	Moderately Impaired	More Impaired	• Riparian • Debris Removal (shoreline) • Beach	Light LWD Nitrogen Phosphorus Sediment Toxins Water Wave

Notes:

1 Elliott Bay: *Elliott Bay General Investigation* (USACE 2009)
CGS: *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
LDR Plan: *Lower Duwamish River Habitat Restoration Plan* (Port of Seattle 2009)
Bluefield/City of Seattle Master Lease: *City of Seattle Ordinance 122729, authorizing a master Lease Agreement with Bluefield Holdings, Inc.* (City of Seattle 2008b)

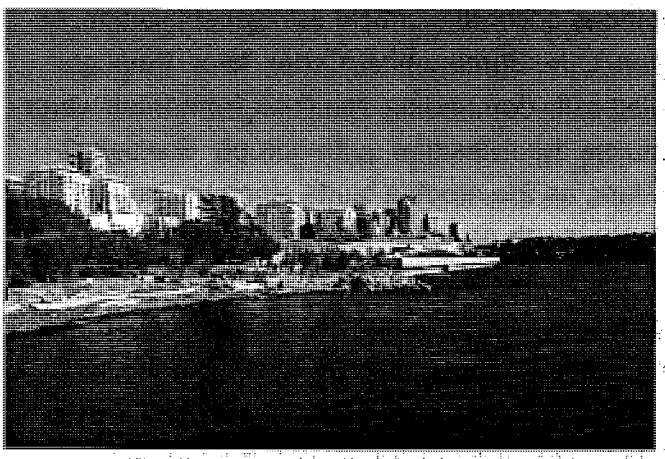
2 Restoration Actions are those listed in the proposed project in the relevant plan. **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 15.
Protect: protect and conserve
Riparian: riparian vegetation restoration
Debris removal: Intertidal or littoral rubble removal and/or groin removal
Beach: beach nourishment or enhancement
Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
Overwater: removal of overwater structures.

3 **Bold type** indicates that the specific function addressed is highly impaired within one or more of the sub reaches covered by the project based on Table 14.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the source document.

4.5 Puget Sound, including Shilshole Bay and Elliott Bay



For the Puget Sound segment within the City, reach assignments based on reach and sub-reach impairment are summarized in Table 17. This table illustrates that many Puget Sound shorelines are located within a landscape context of moderate, more, and most impairment.

Table 17
Puget Sound (including Shilshole and Elliott Bay) Reach Assignments Based on Reach and Sub-reach Impairment Category

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Impairment	Most				1	3
	More				3	1
	Moderate			9	3	1
	Less	1	1	4	1	
	Least	2	1	1		

The following section describes the impairments in the Puget Sound segment, as well as the applicable restoration actions.

4.5.1 Impairments

In the northernmost portion of Puget Sound in the City, shorelines are entirely armored in association with the rail line along the shore. The presence of the rail line precludes adjacent riparian vegetation and impacts sediment processes due to interruption of sediment supply to the beach from the numerous shoreline bluffs. Additionally this area is impaired by fertilizer run-off from the many surrounding residential lawns. Two forested ravines (Broadview Creek and Pipers Creek) exist in this area, these ravines have less

impervious surface than the surrounding residential areas. Shilshole Bay Marina contains large amounts of overwater structures and shoreline armor.

Near the Ballard Locks, further impaired conditions occur in a critical ecological position, as this area is the estuary for the Lake Washington/Lake Sammamish/Cedar River drainage. In this area, juvenile salmon make the physiologically demanding transition from fresh water to salt water, and the presence of the locks makes the transition quite abrupt. Ecological function improves moving through Discovery Park, as the eroding bluffs along the south shoreline and the vegetated creek drainage in the north are particularly high functioning areas. Toward Elliott Bay and the urban core, conditions deteriorate due to increasing shoreline armoring, overwater cover, and impervious surfaces, and decreasing riparian vegetation and intertidal habitat. In the downtown area, shorelines are entirely armored, have extensive overwater cover and fill, and are almost entirely impervious surface. CSOs and stormwater outfalls are present, and roads are in direct proximity to the shoreline. Along western Elliott Bay and toward West Seattle, shorelines are still armored but impervious surface area decreases. Near Lincoln Park in South Seattle, extensive vegetation and minimal impervious surfaces abound, but the area surrounding the Fauntleroy ferry terminal is highly impaired for toxins, pathogens, and sediment processes. At the south end of the project boundary, Seola Park offers high functioning habitat due to vegetated and minimally impacted shorelines. Impairments to water quality in the southern portion of this segment result from outfalls from large basins and culverts that carry pollutants from upland activities.

In summary, the highest functioning habitats in the segment are found along the unarmored portions of Golden Gardens, the creek mouths, and their small associated wetlands, and Discovery, Lincoln, and Seola parks. Lowest functioning habitats in the segment include Shilshole Bay and Elliott Bay Marinas, the central waterfront, and Terminals 90 and 91.

Table 18 indicates impairment ranges for the reaches in the Puget Sound segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

These results indicate that the most highly impaired processes in the City's marine nearshore include pathogens and sediment. Key reasons for the impairment of sediment processes is the urban and shoreline residential and transportation (rail and road) development which disconnects sediment source bluffs from the shoreline. In addition, jetties, breakwaters, and groins present throughout the marine shoreline restrict sediment movement once it reaches the shore, creating a persistent problem. Impairment of water quality due to pathogens is mainly linked to urban development impacts such as CSOs in the

downtown core, and wetland and shoreline vegetation loss and increased impervious surface area from Elliott Bay throughout the downtown core.

Other processes that are still impaired —but not as highly as the other two processes— include LWD, nitrogen, phosphorus, toxins, water, and wave energy. The reasons for impairment of the water quality processes of nitrogen, toxins, and phosphorus are the same as those listed above for pathogens. LWD processes have been disrupted on a large scale throughout the City's Puget Sound shorelines due to removal of source trees and vegetation from the nearby shore to facilitate urban development and due to encroachment of armoring into intertidal areas, which restricts accumulation. In addition, source wood is no longer provided from river mouths in the region due to development in their watersheds.

The water process has been impaired mainly by urban development and increased impervious surface area, now common on most City shorelines. Disruptions in wave energy along the Seattle shore include armoring, jetties, groins breakwaters, and overwater structures. These are interspersed throughout Seattle, but are particularly heavy near Shilshole and the downtown core.

Tidal regime is the process least impaired in this segment, although it is still impaired. Impacts to tidal regime in Puget Sound are due to channelized streams, the Ballard Locks, and encroachment of armoring on OHW. Armoring and tidal encroachment occurs throughout almost the entire Seattle shoreline.

Table 18

Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Puget Sound—City Shorelines

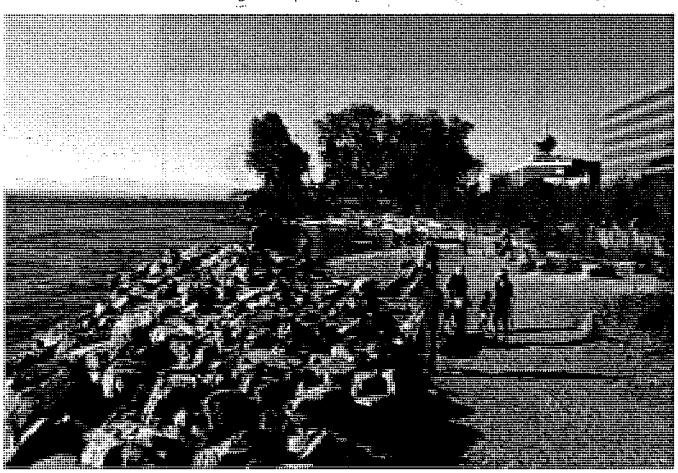
Reach No.	Reach	Reach Impairment Category*	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Tide	Toxins	Water	Wave
15	North Bluffs	Less Impaired										
16	North Beach & Golden Gardens Park	Mod. Impaired										
17	Shilshole Bay and Marina	More Impaired										
18	West Point and Magnolia Bluffs	Least Impaired										
19	Magnolia	Less Impaired										
20	Elliott Bay Marina and T 90 and 91	Most Impaired										
21	Myrtle Edwards Park/ Centennial Park/ Olympic Sculpture Park	More Impaired										
22	Central Waterfront	Most Impaired										
23	Southwest Elliott Bay	More Impaired										
24	Duwamish Head	More Impaired										
25	Alki Beach to Lincoln Park	Mod. Impaired										
26	Lincoln Park and Fauntleroy Cove	Less Impaired										
27	South Seattle to Seola Creek	Mod. Impaired										

Notes:
- High Impairment
- Moderate Impairment
- Low Impairment

4.5.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Puget Sound segment are categorized as High, Moderate, or Low need in Table 19. This table was completed in the same manner as Table 7.

The reach impairment categories shown in Table 19 categorize Shilshole Bay and Marina and the reaches south from Elliott Bay Marina through Duwamish Head as the reaches with highest impairment in the Puget Sound segment.



In Reach 17 (Shilshole Bay and Marina), restoration of sediment processes has been proposed for the areas south of Carkeek Park through Salmon Bay, as well as from Shilshole Bay to West Point (CGS 2005). In Reaches 20 through 24 (south from Elliott Bay Marina through Duwamish Head), a number of projects have been proposed in Elliott Bay proper to create intertidal embayments and which would relocate armoring to above OHW (Anchor 2004), partly addressing the sediment issue. Projects of this kind that have been recently completed include the Myrtle Edwards Park beach project near Olympic Sculpture Park, which constructed a pocket beach and intertidal habitat on the eastern shoreline of Elliott Bay.

Because many of the Puget Sound reaches are "most" and "more" impaired reaches, highly applicable restoration actions would essentially include those in every category in Table 19. Projects most needed are those that combine restoration actions to address several processes at once.

High priority areas for habitat protection include Discovery Park, primarily West Point and Magnolia Bluffs, Magnolia, Lincoln Park and Fauntleroy reach, as well as any recently implemented sites such as the pocket beach at Myrtle Edwards Park.

Table 19
Applicable Restoration Actions—Puget Sound

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Work	Daylighting Streams (where piped streams occur)	Nearshore Debris/ Jetty/Groin/ Breakwater Removal	Beach Nourishment/ Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
15	North Bluffs	Less Impaired	Moderate	Low	High	High	High	High	Moderate	Moderate	Moderate
16	North Beach and Golden Gardens Park	Moderately Impaired	Low	Moderate	High	Low	Low	Moderate	Moderate	High	High
17	Shilshole Bay and Marina	More Impaired	Low	High	High	High	Moderate	High	High	High	High
18	West Point and Magnolia Bluffs	Least Impaired	High	Low	Low	Low	Low	Low	Low	Low	Low
19	Magnolia	Less Impaired	Moderate	Moderate	High	Moderate	Moderate	Moderate	Low	High	High
20	Elliott Bay Marina and Terminals 90 and 91	Most Impaired	Low	High	High	High	High	High	High	High	High

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Work	Daylighting Streams (where piped streams occur)	Nearshore Debris/ Jetty/Groin/ Breakwater Removal	Beach Nourishment/ Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater Treatment	Wetland Restoration
21	Myrtle Edwards/ Centennial/ Olympic Sculpture Parks	More Impaired	Low	High	High	High	High	High	High	High	High
22	Central Waterfront	Most Impaired	Low	High	High	High	High	High	High	High	High
23	Southwest Elliott Bay	More Impaired	Low	High	High	High	High	High	High	High	High
24	Duwamish Head	More Impaired	Low	High	High	High	High	High	High	High	High
25	Alki Beach to Lincoln Park	Moderately Impaired	Low	High	High	Moderate	Moderate	Moderate	Moderate	High	High
26	Lincoln Park and Fauntleroy Cove	Less Impaired	Moderate	Low	Low	Low	Low	Low	Low	Low	Low
27	South Seattle to Seola Creek	Moderately Impaired	Low	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate

Notes:

1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).

2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most")

Table 20 provides a list of projects for the Puget Sound shoreline segment, including the name of the habitat plan that proposed the project, the sub-reach ID number from the *Shoreline Characterization Report* (City of Seattle 2009), and the sub-reach impairment and reach impairment categories from the report. For each project, applicable restoration actions and the processes that would be addressed by those restoration actions are identified.

Table 20
Projects for Puget Sound

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
SN-3[5] Northern Railroad (Carkeek)	CGS	15-d	Less Impaired	Less Impaired	• Protect[4]	Light LWD Nitrogen Pathogens Phosphorus **Sediment Tide** Toxins Water Wave
Pipers Creek to Golden Gardens	Blueprint	15-e	Less Impaired	Less Impaired	• Protect	Light LWD Nitrogen Pathogens Phosphorus **Sediment Tide** Toxins Water Wave
KI-2-1 Carkeek to Shilshole	CGS	16-a/b	Moderately/ Least Impaired	Moderately Impaired	• Protect	Light LWD Nitrogen **Pathogens** Phosphorus Sediment Tide Toxins Water Wave
KI-2-1/KI-2-2 South Golden Gardens, Shilshole N. Salmon Bay	CGS	17-b	More Impaired	More Impaired	• **Debris** Removal • **Overwater**	**Light** LWD Sediment **Wave**
KI-2-1/KI-2-2 South Golden Gardens, Shilshole N. Salmon Bay, KI-2-2 Salmon Bay into Ship Canal, North side	CGS	17-c	Moderately Impaired	More Impaired	• **Riparian** • **Debris** Removal • Beach • **Armor** • **Overwater**	**Light** LWD Nitrogen Phosphorus Sediment **Tide** Toxins Water **Wave**
Locks - Barnacle Removal	Blueprint	17-d	Less Impaired	More Impaired	N/A	N/A

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
KI-2-4 Shilshole Bay to Westpoint	CGS	18-b	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
KI-2-4 Shilshole Bay to Westpoint	CGS	18-d	Less Impaired	Least Impaired	• Protect • Riparian • Wetland Restoration • Debris Removal	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
KI-3-2 Magnolia Bluffs to Smith Cove	CGS	18-e	Least Impaired	Least Impaired	• Protect • Debris Removal	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave
Magnolia Bluffs	WRIA 9 Prioritization	19-a	Less Impaired	Less Impaired	• Protect • Debris Removal (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
Magnolia Bluffs	WRIA 9 Prioritization	19-b	Least Impaired	Less Impaired	• Protect • Debris (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
KI-3-2 Magnolia Bluffs to Smith Cove	CGS	19-c	Less Impaired	Less Impaired	• Protect • Beach • Debris (in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide Toxins Water Wave
KI-3-2/KI-3-3 Smith Cove Marina and Breakwater	CGS	20-a	Most Impaired	Most Impaired	• **Beach**	**Sediment**
KI-3-2/KI-3-3 Smith Cove Marina and Breakwater	CGS	20-b	Moderately Impaired	Most Impaired	• **Riparian** • **Beach** • **Stormwater treatment** • **Debris (in-water)**	**Light LWD Nitrogen Pathogens Phosphorus Sediment Tide Toxins Water Wave**

Project or Site Name	Plan that Identifies Project or Site[1]	Sub-Reach ID	Sub Reach Impairment Category	Reach Impairment Category	Applicable Restoration Actions[2]	Process Addressed by Restoration Actions[3]
KI-4-1[5] Smith Cove and Elliott Bay	CGS	20-b	More Impaired	Most Impaired	• **Riparian** **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Northeastern section	WRIA 9 Prioritization	20-c/d	Most/ Moderately Impaired	Most Impaired	• **Riparian** • **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Myrtle Edwards/ Centennial/ Olympic Sculpture Parks (constructed in 2007)	Blueprint, WRIA 9 Prioritization, WRIA 9 Watershed	21-a/b	Most/ Moderately Impaired	More Impaired	• **Riparian** • **Beach** (including intertidal habitat benches)	Light **LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Industrial and Port Areas	WRIA 9 Prioritization	22-a,b	Most Impaired	Most Impaired	• **Riparian** • **Beach** • **Overwater**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, Industrial and Port Areas	WRIA 9 Prioritization	22-c	Most Impaired	Most Impaired	• **Riparian** • **Beach**	**Light LWD Nitrogen Phosphorus Sediment Toxins Water**
Elliott Bay, West	WRIA 9 Prioritization	23-a	More Impaired	More Impaired	• **Riparian** • **Beach**	Light **LWD Nitrogen** Phosphorus **Sediment** Toxins **Water**
West Seattle, mouth of Schmitz Creek	WRIA 9 Prioritization	25-b	Less Impaired	Moderately Impaired	• Protect • **Daylight Stream** • Debris Removal (shoreline and in-water)	Light LWD Nitrogen Phosphorus **Pathogens** Sediment Tide **Toxins** Water Wave
Lincoln Park	Parks	26-b	Least Impaired	Least Impaired	• Protect	Light LWD Nitrogen Phosphorus Pathogens Sediment Tide Toxins Water Wave

1 Blueprint: *Seattle's Urban Blueprint for Habitat Protection and Restoration* (Seattle 2003)

CGS: *Inventory and Assessment of Current and Historic Beach Feeding Sources/Erosion and Accretion Areas for the Marine Shorelines of Water Resource Inventory Areas 8 and 9* (CGS 2005)
WRIA 9 Prioritization: *Prioritization of Marine Shorelines of Water Resource Inventory Area 9 for Juvenile Salmonid Habitat Protection and Restoration (Anchor 2006)*
WRIA 9 Watershed: *Salmon Habitat Plan, Green/Duwamish and Central Puget Sound Watershed Resource Inventory Area 9* (WRIA 9 2005)
Parks: *Seattle Shoreline Park Inventory and Habitat Assessment* (Anchor 2003)

2 **Bold** indicates that the Restoration Action is highly applicable within the reach based on Table 19.
Protect: protect and conserve
Riparian: riparian vegetation restoration
Debris removal: Intertidal or littoral rubble removal and/or groin removal
Beach: beach nourishment
Armor: removal of artificial shoreline hardening including bulkheads and seawalls.
Overwater: removal of overwater structures.

3 **Bold type** indicates that the specific process addressed is highly impaired within one or more of the sub reaches covered by the project based pm Table 18.

4 "Protect" is listed as a restoration action for the project if both reach/sub-reach impairment categories were either "least" or "less" or if sub-reach category was "least." If "protect" is listed, then all processes are listed as addressed by the restoration action.

5 These numbered codes correspond to project numbers given in the source document.

4.6 Green Lake

For the Green Lake segment within the City, reach assignments based on reach and sub-reach impairment are summarized in Table 21. This table illustrates that Green Lake's shorelines are located within a landscape context of moderate and less impairment.

Table 21

Green Lake Reach Assignments based on Reach and sub-reach Impairment

		Reach Scale Impairment				
		Least	Less	Moderate	More	Most
Sub-reach Scale Impairment	Most					
	More					
	Moderate			1		
	Less			1		
	Least					

The following section describes the impairments in the Green Lake segment, as well as applicable restoration actions.

4.6.1 Impairments

Green Lake's shoreline contains more riparian vegetation, has a wider corridor of open park areas with less impervious surfaces, fewer parking lots, and fewer filled wetlands than in most areas of the City. The main concern with Green Lake, however, is the high amounts of nitrogen and phosphorus in the lake and its resulting water quality. The north portion of Green Lake is less impacted than the southern shore.

Table 22 indicates impairment ranges for the reaches in the Green Lake segment; lower values indicate lower function. This table was completed in the same manner as Table 6.

Table 22

Impairment Ranges Impairment Ranges from *Shoreline Characterization Report* (City of Seattle 2009) for Various Watershed Processes at Green Lake–City shorelines

Reach No.	Reach	Overall Impairment Category	Light	LWD	Nitrogen	Pathogens	Phosphorus	Sediment	Toxins	Water	Wave
28	Green Lake	Moderately Impaired									

Notes:
High Impairment
Moderate Impairment
Low Impairment

These results indicate that the most highly impaired processes at Green Lake are nitrogen and phosphorus. Key reasons for this impairment are the sediment and inputs from adjacent lawn areas and nonpoint urban runoff. Processes not as highly impaired are light and sediment; vegetation cover is present in many areas within the area studied (200 feet of the shoreline) and light conditions are not likely to be limiting in these areas. The sediment process at Green Lake is not as impaired because lake slopes are typically gentle and armoring is generally limited.

4.6.2 Applicable Restoration Actions

Based on these impairments, applicable restoration actions for the Green Lake segment are categorized as High, Moderate, or Low in Table 23. This table was completed in the same manner as Table 7.

At Green Lake, no projects have been recently proposed to address any of the watershed processes described as impaired. The most applicable restoration actions would include

bioswales or similar stormwater treatments that would help address the nutrient issues in the lake and continued alum treatment to reduce the internal phosphorous levels. High priority areas for habitat protection include those with the least impairments, which would include the areas with riparian vegetation and unarmored shorelines at the lake identified in the Green Lake Vegetation Plan[1].

1 available at www.seattle.gov/parks/parkspaces/GreenLakePark/ VMP.htm.

Table 23
Applicable Restoration Actions—Green Lake

Reach No.	Reach	Reach Impairment Category[1]	Reach Protection Category[2]	Riparian Restoration	Daylighting Streams (where piped streams occur)	Nearshore Debris Removal	Beach Nourishment/ Substrate Enhancement	Armoring Removal	Overwater Structure Removal	Stormwater treatment	Wetland Restoration
28	Green Lake	Moderately Impaired	Low	High	High	Low	Low	Moderate	Moderate	High	High

Notes:
1 Based on the results of the *Shoreline Characterization Report* (City of Seattle 2009).
2 Reach was considered High priority for protection if reach impairment category was "least"; moderate priority if reach impairment category was "less"; low priority for all other reach impairment categories ("moderate," "more," and "most")

5 IMPLEMENTATION

5.1 Implementation Strategy

Implementation of the Plan will require close coordination within the City and between the City and the partners noted in Section 2 of this Plan, as well as with agency partners such as Washington Department of Fish and Wildlife, Ecology, U.S. Army Corps of Engineers, National Oceanographic and Atmospheric Administration's National Marine Fisheries Service, and U.S. Fish and Wildlife Service.

Within the City's departments, the Department of Planning and Development is including language in the City's Comprehensive Plan that will direct the City to continue to support restoration and to use this Plan as guidance. Seattle Public Utilities will help to implement this Plan through the Restore Our Waters initiative, which coordinates restoration of City shorelines. SDOT street end management will also use the restoration plan to guide actions on street ends. The recent adoption of the Parks and Green Spaces levy will provide $500,000 for street end work. Through the implementation of this work shoreline restoration will occur on street ends. Seattle Department of Parks and Recreation will use the restoration plan to guide the management and restoration planning of their shoreline property and will continue to seek funding for shoreline restoration projects.

5.2 Timeline, Benchmarks, and Monitoring

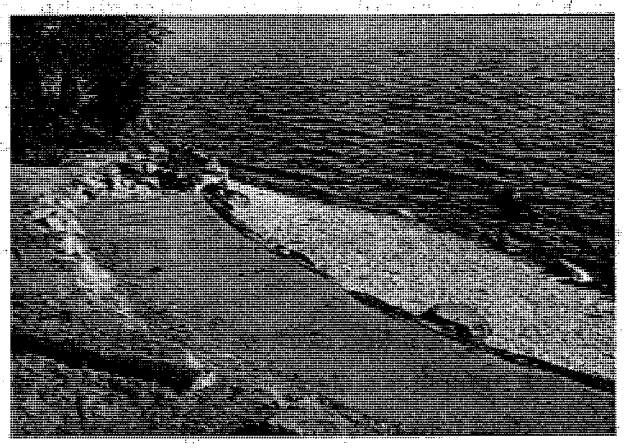
The City's restoration work as it relates to this Plan will be monitored and evaluated on a set timeline against a suite of benchmarks to determine consistency with the State's SMP policy standard of no net loss of ecological functions. This Plan will be implemented when the SMP is adopted by Ecology, with a timeline based on ten year intervals. At each 10 year interval, ecological benchmarks will be evaluated for change. These benchmarks will include variables occurring in currently available datasets such as GIS layers of shoreline features. Measurable benchmarks[2] may include the following:

- Linear distance of armoring above OHW mark
- Number of jetties/breakwaters/groins/boat ramps
- Area of overwater structures
- Linear distance with continuous trees adjacent to shore
- Linear distance with patchy trees adjacent to shore

2 Benchmarks apply for the area within 200 feet of the shoreline.

- Linear distance with no cover/grass or trees/shrubs separated from shore
- Linear distance with adjacent trees and overhanging
- Number of completely or partially altered channelized streams
- Number of CSO outfalls
- Wetland acreage existing or lost
- Number of concentrations of animals in public areas
- Number of feeder bluffs
- Linear distance of roads within 100 feet of shore
- Total impervious surface area (TIA) of basin
- Linear distance with less than 50 percent impervious (1 to 12.5, 12.5 to 50, etc.)
- Numbers of marinas or houseboats present
- Number of CSO events within the 7-year timeframe

At the conclusion of each ten year interval, current data for each of these benchmarks will be compiled and the GIS model (as described in Section 4.1) will be re-run to evaluate SMP policy consistency.



5.3 Potential Funding

There is currently no dedicated funding source for the restoration actions presented here. Restoration described in this Plan is dependent on grant funding, and there a variety of other outside funding sources available for restoration projects in the area. Funds are distributed through grant-making agencies at the local, state, and federal level; opportunities described below are primarily administered by state and federal agencies. It is expected that funding will be derived from various sources. Sources listed here do not represent an exhaustive list of potential funding opportunities, but are meant to provide an overview of the types of opportunities available. These sources include the following:

- Recreation and Conservation Office of Washington
- Ecology
  - Aquatic Weeds Financial Assistance Program
  - Water Quality Program
  - Coastal Protection Fund
  - Coastal Zone Management Administration/Implementation Awards
- Washington Department of Fish & Wildlife
  - Aquatic Lands Enhancement Account (ALEA) Volunteer Cooperative Projects Program
  - Landowner Incentive Program
- National Fish and Wildlife Foundation
  - Bring Back the Natives: A Public-Private Partnership for Restoring Populations of Native Aquatic Species
  - Five-Star Restoration Matching Grants Program
  - Marine Debris Prevention and Removal Program
  - Native Plant Conservation Initiative
  - Puget Sound Marine Conservation Fund
  - The Migratory Bird Conservancy
- King Conservation District
- Salmon Recovery Funding Board (SRFB)
- National Oceanic and Atmospheric Administration (NOAA) Restoration Center
  - Community-based Restoration Program
  - NOAA CRP 3-Year Partnership Grants
  - NOAA CRP Project Grants
- American Sportfishing Association's FishAmerica Foundation Grants
- Environmental Protection Agency Region 10: Pacific Northwest
  - The Clean Water State Revolving Fund Program
  - Nonpoint Source Implementation Grant (319) Program
  - Wetland Protection, Restoration, and Stewardship Discretionary Funding
- U.S. Fish & Wildlife Service
  - Partners for Fish and Wildlife Program
  - Puget Sound Program
  - National Fish Passage Program
  - Cooperative Endangered Species Conservation Fund

  - North American Wetlands Conservation Act Grants Program
- Puget Sound Nearshore Ecosystem Restoration Project
- Washington Department of Transportation City Fish Passage Grant Program
- Washington Department of Natural Resources Small Forest Landowner Office (SFLO)
- Private foundations, businesses, and other groups administer grant programs that include funding for shoreline habitat and ecosystems, including:
  - The Russell Family Foundation
  - William C. Kenney Watershed Protection Foundation
  - Northwest Fund for the Environment
  - Kongsgaard-Goldman Foundation
  - The Bullitt Foundation
  - The Compton Foundation
  - Doris Duke Charitable Foundation
  - The Hugh and Jane Ferguson Foundation
  - Washington Trout
  - Midsound Fisheries Enhancement Group
  - People for Puget Sound
  - The Seattle Aquarium

5.4 Conclusions

This Plan identifies the applicable restoration actions and the areas that should be protected based on the results of the Shoreline Characterization Report. As is the case for most restoration work, the restoration and protection actions described in this Plan will require extensive cooperation and coordination with citizens, public agencies, private landowners, and other stakeholders. Additionally some of the actions require the acquisition of private land, relocation of public infrastructure, changes in land use and potential restrictions on future development. It is the City's intent to use this Plan to guide restoration and habitat protection efforts so these actions result in a net increase in shoreline ecosystem function over time consistent with the vision for the shoreline of its citizens.

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Shoreline Restoration Project Sites

Map A: Exhibit C

Seattle Shoreline Master Program 2012 Update Restoration Plan

Legend

Degree of Impact to Habitat Forming Processes
- Reaches were determined by aggregating sub-reach data

- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Restoration project sites

Streams
- Culverted stream
- Open creek
- Shoreline
- City Limits

2005 Aerial Photo

0 1,625 3,250 6,500 Feet

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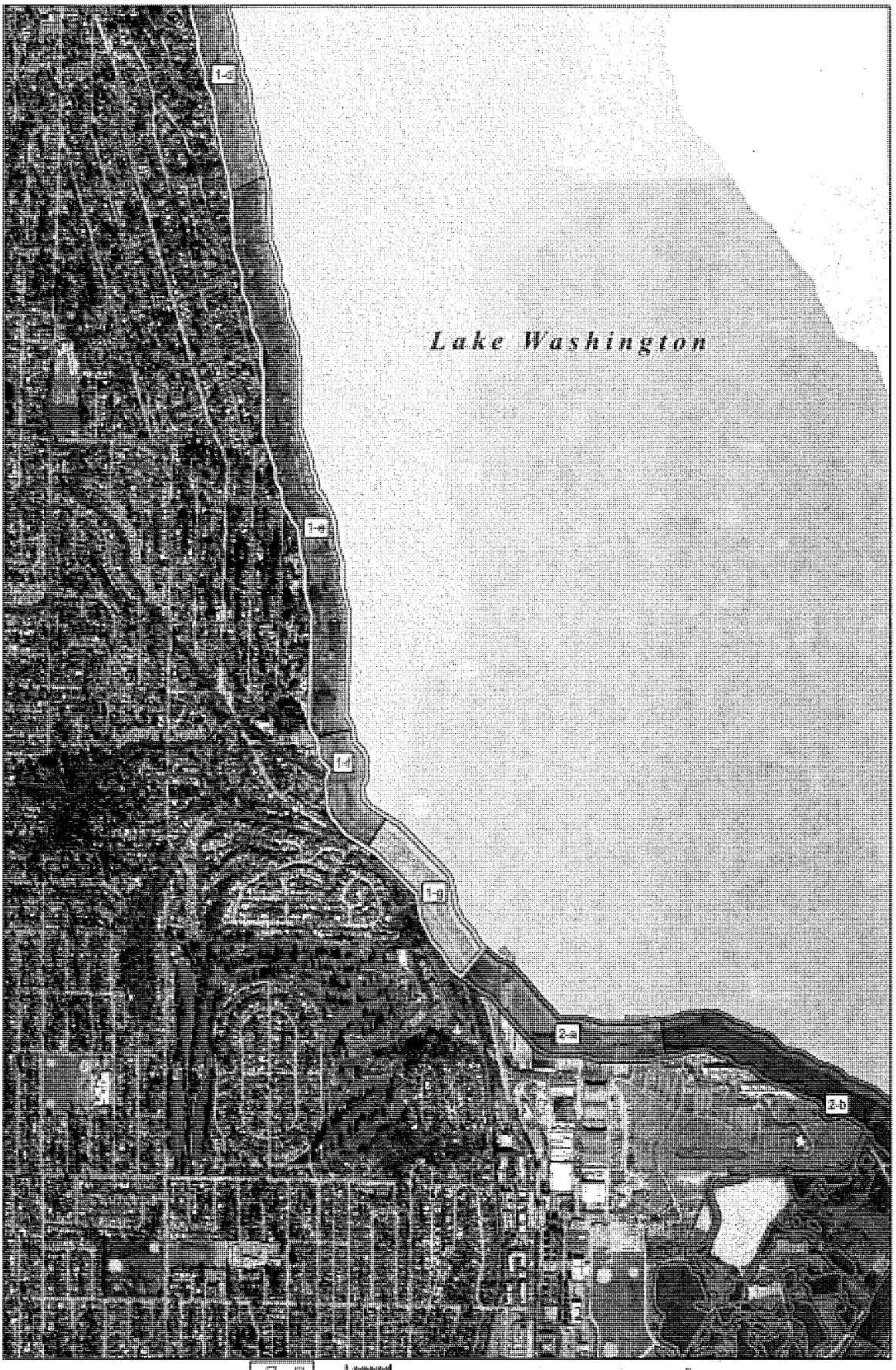
CITY OF SEATTLE

Shoreline Restoration & Enhancement Plan

MAP FOLIO: EXHIBIT C

AUGUST 2012

EXHIBIT C Shoreline Sub-Reach Analysis Map 2



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2006 Aerial Photos

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EXHIBIT C Sh eline Sub-Reach Analysis

Map 1

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches: Leak Impaired; Less Impaired; Moderately Impaired; More Impaired; Most Impaired

Reaches: Leak Impaired; Less Impaired; Moderately Impaired; More Impaired; Most Impaired

Streams - Open; Streams - Culverted; City Limits; Shoreline; 2006 Aerial Photos

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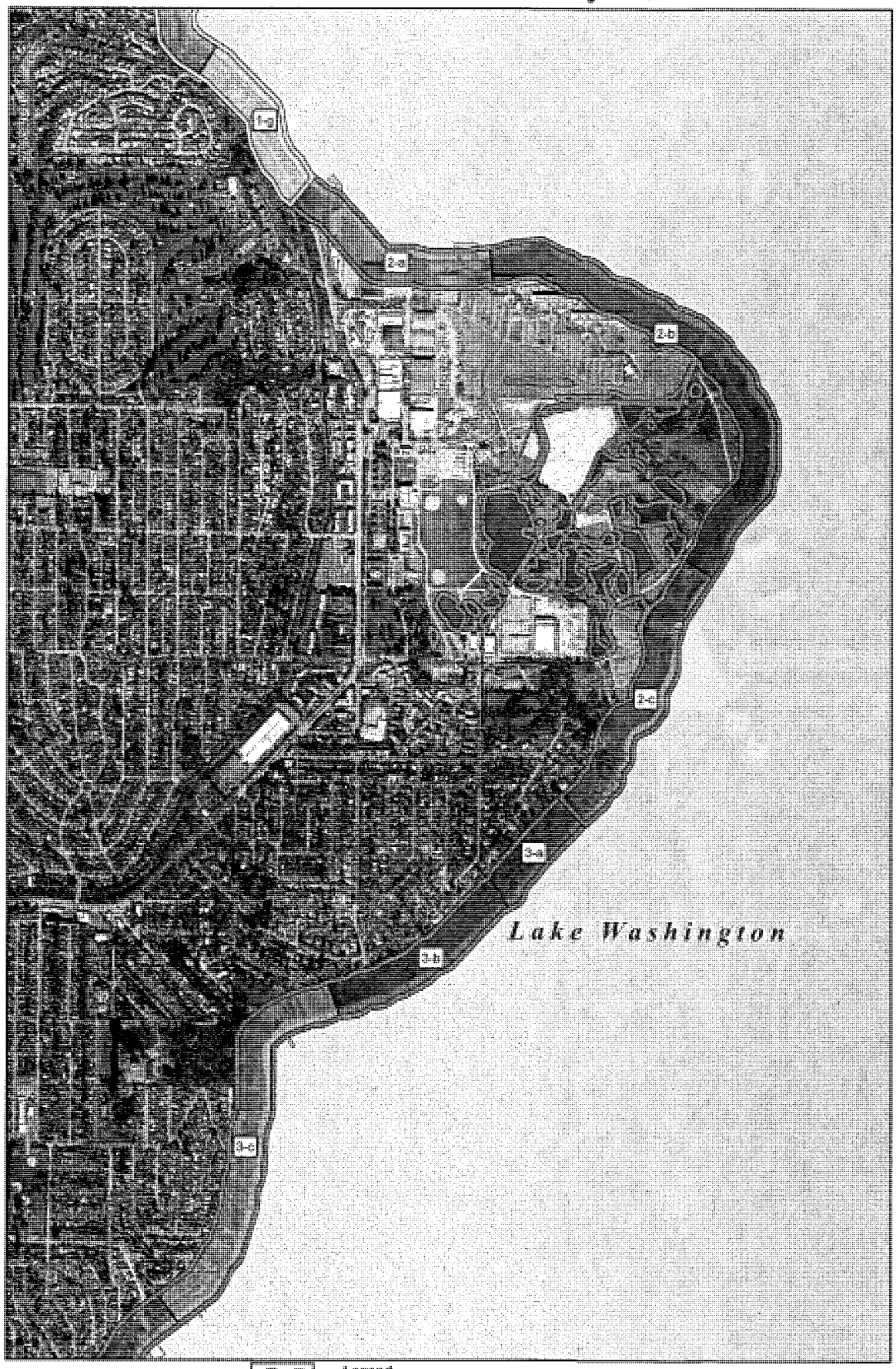
EXHIBIT C Shoreline Sub-Reach Analysis Map 3



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

- Less Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches

- Less Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline
- 2008 Aerial Photos

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EXHIBIT C Shoreline Sub-Reach Analysis Map 4

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Level Impacted
Less Impacted
Moderately Impacted
More Impacted
Most Impacted

Shoreline

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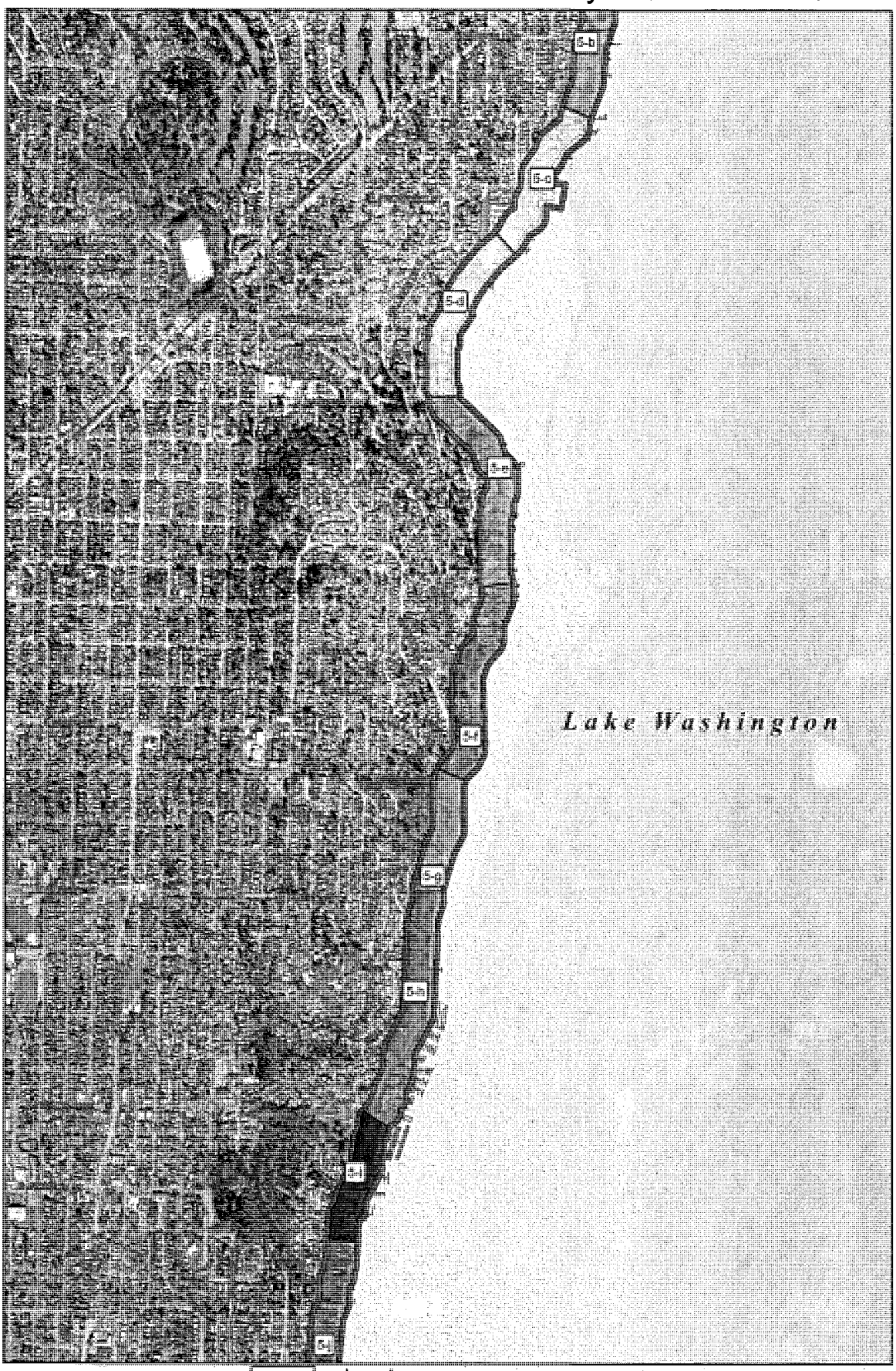
EXHIBIT C Shoreline Sub-Reach Analysis

Map 5



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Bank Zone

Streams - Open

Streams - Culverted

City Limits

Shoreline

2006 Aerial Photo

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EXHIBIT C Shoreline Sub-Reach Analysis Map 6

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub-Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2000 Aerial Photos

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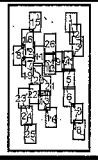
EXHIBIT C Shoreline Sub-Reach Analysis

Map 7

Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline
- 2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 8

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline

2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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EXHIBIT C Sh reline Sub-Reach Analysi Map 9

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub-Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2008 Aerial Photos

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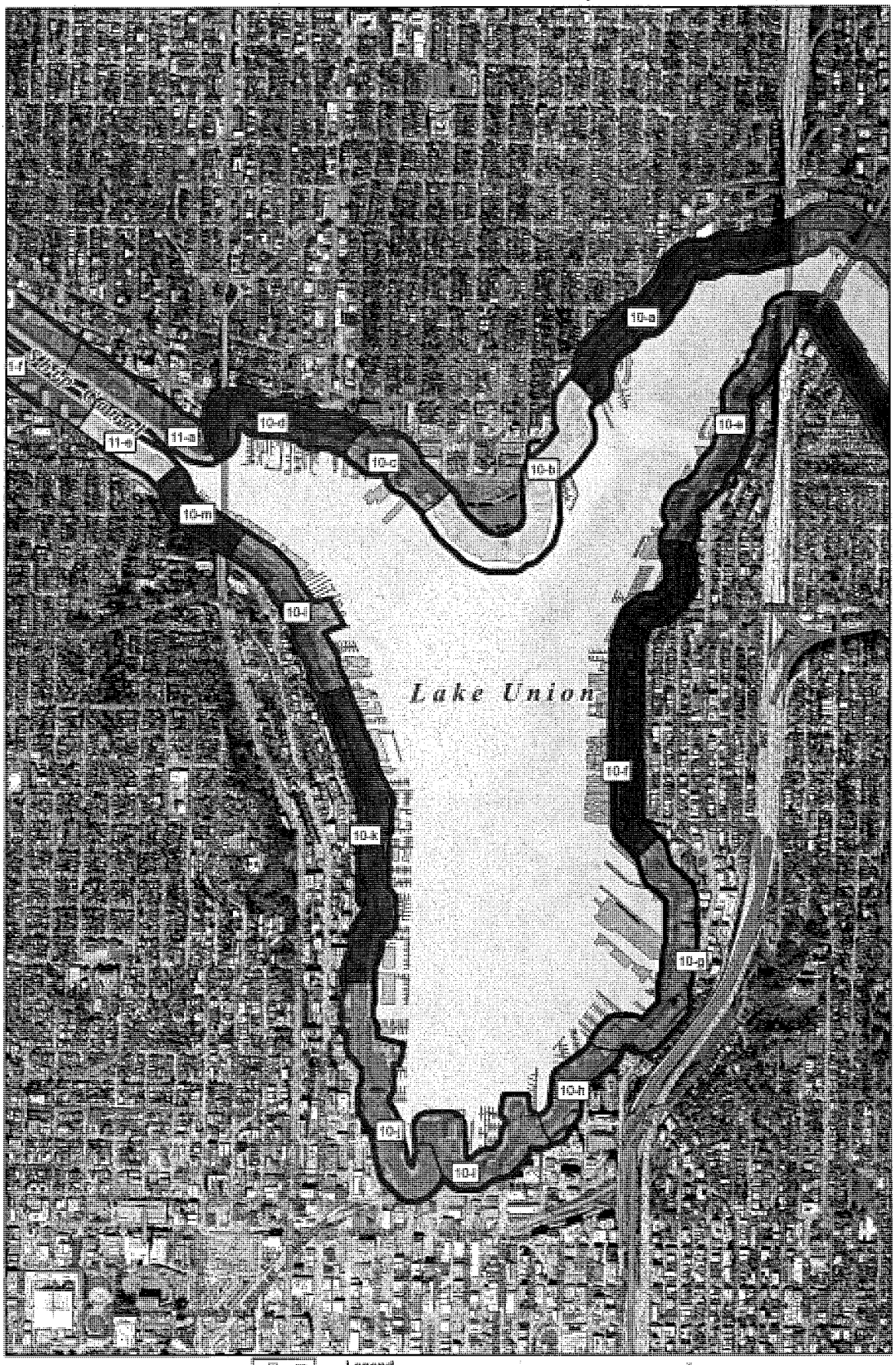
EXHIBIT C Shoreline Sub-Reach Analysis Map 10



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reach as

Land Impacted

Less Impacted

Moderately Impacted

More Impacted

Most Impacted

Processes

Land Impacted

Less Impacted

Moderately Impacted

More Impacted

Most Impacted

Streams - Open

Streams - Culverted

City Limits

Shoreline

2005 Aerial Photos

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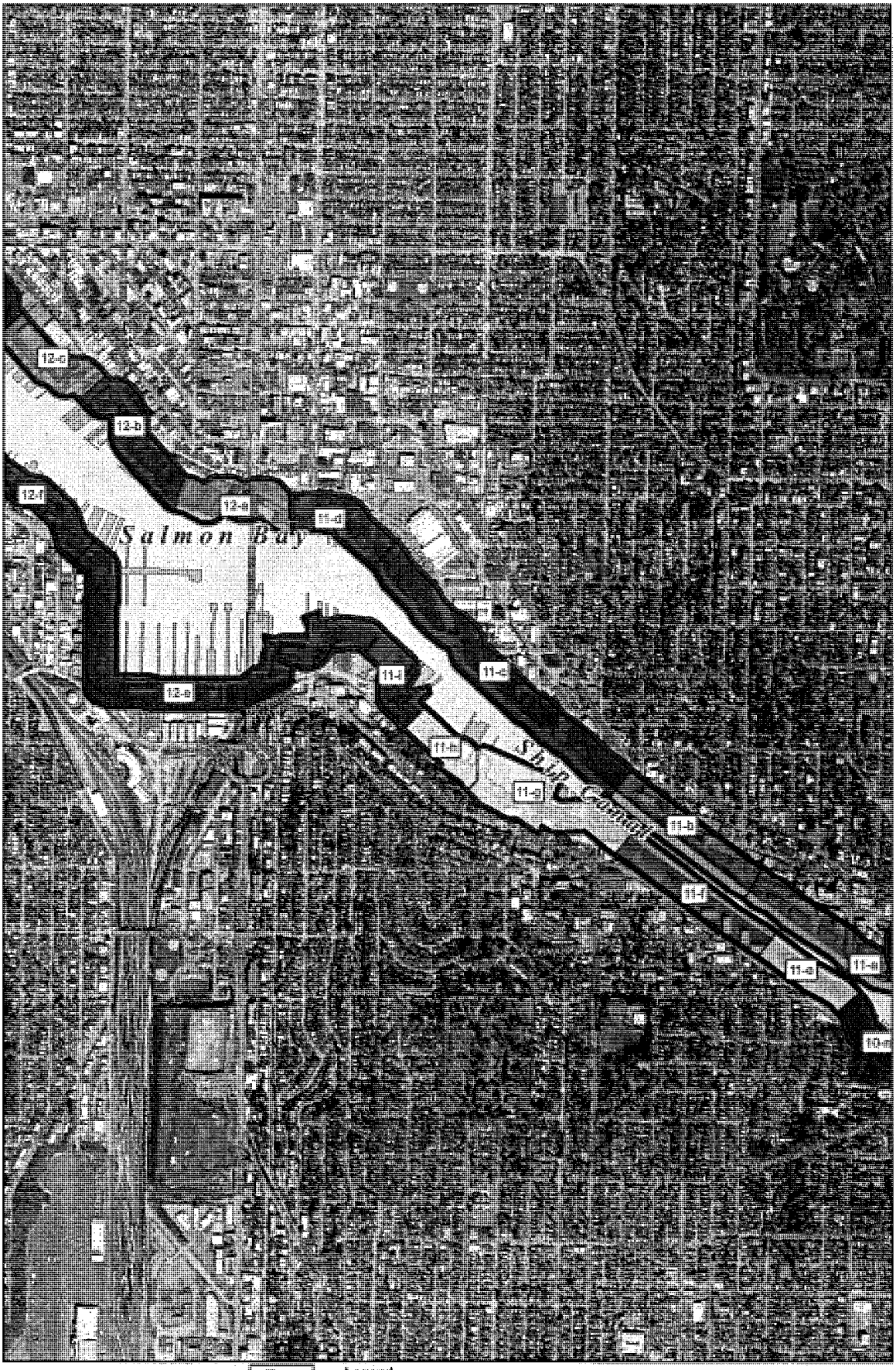
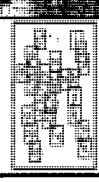
EXHIBIT C Sh reline Sub-Reach Analysi Map 11



Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub-Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Reaches

Least Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2008 Aerial Photos

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EXHIBIT C Shoreline Sub-Reach Analysis Map 12

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches: Least Impaired, Less Impaired, Moderately Impaired, More Impaired, Most Impaired

Reaches: Least Impaired, Less Impaired, Moderately Impaired, More Impaired, Most Impaired

Streams - Open, Streams - Culverted, City Limits, Shoreline, 2003 Aerial Photos

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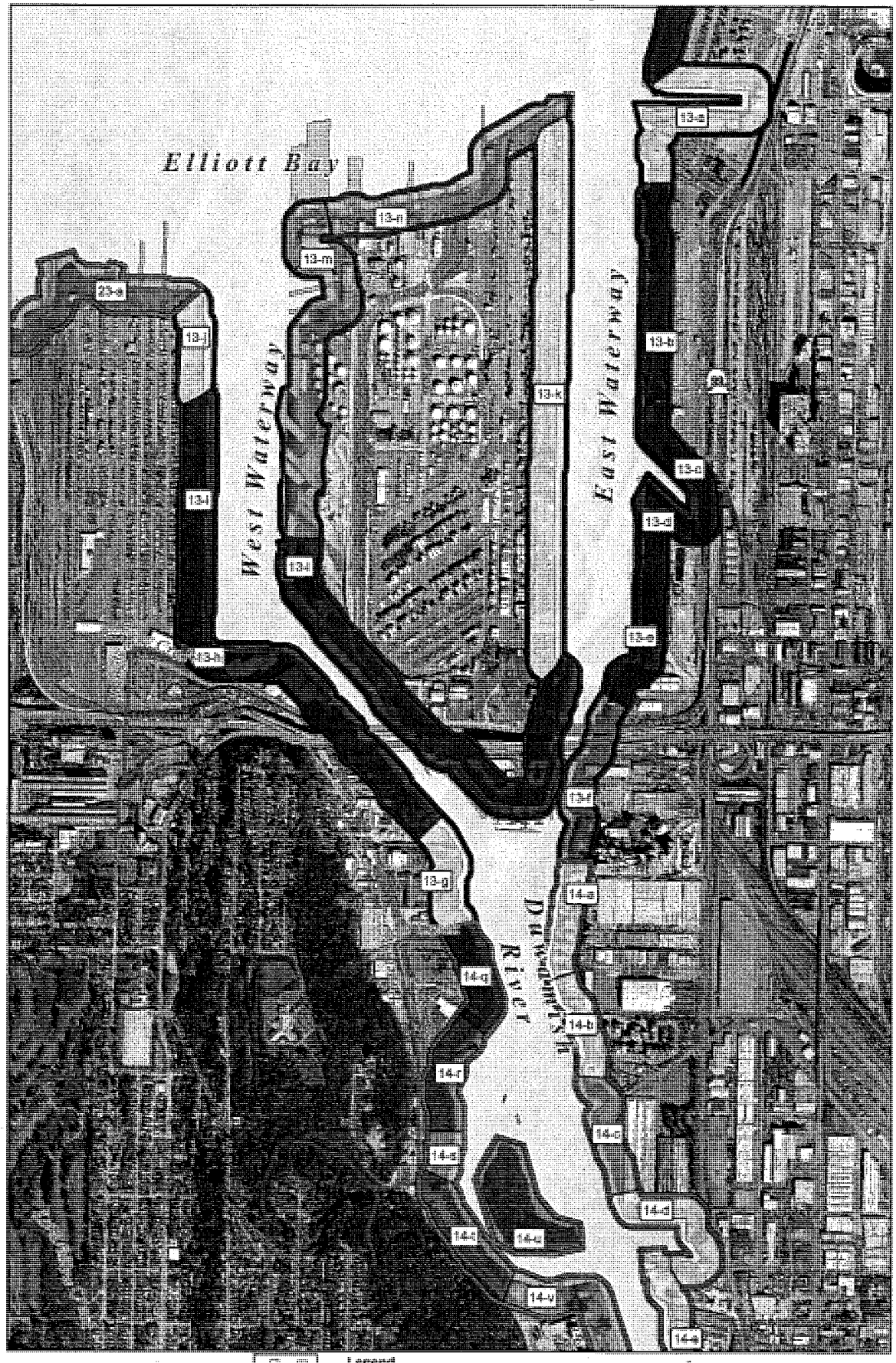
EXHIBIT C Shoreline Sub-Reach Analysis Map 13



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub-Reaches

Least Impacted
Less Impacted
Moderately Impacted
More Impacted
Most Impacted

Reaches

Least Impacted
Less Impacted
Moderately Impacted
More Impacted
Most Impacted

Waterway - Open
Waterway - Covered
City Limits
Shorelines
2005 Aerial Photos

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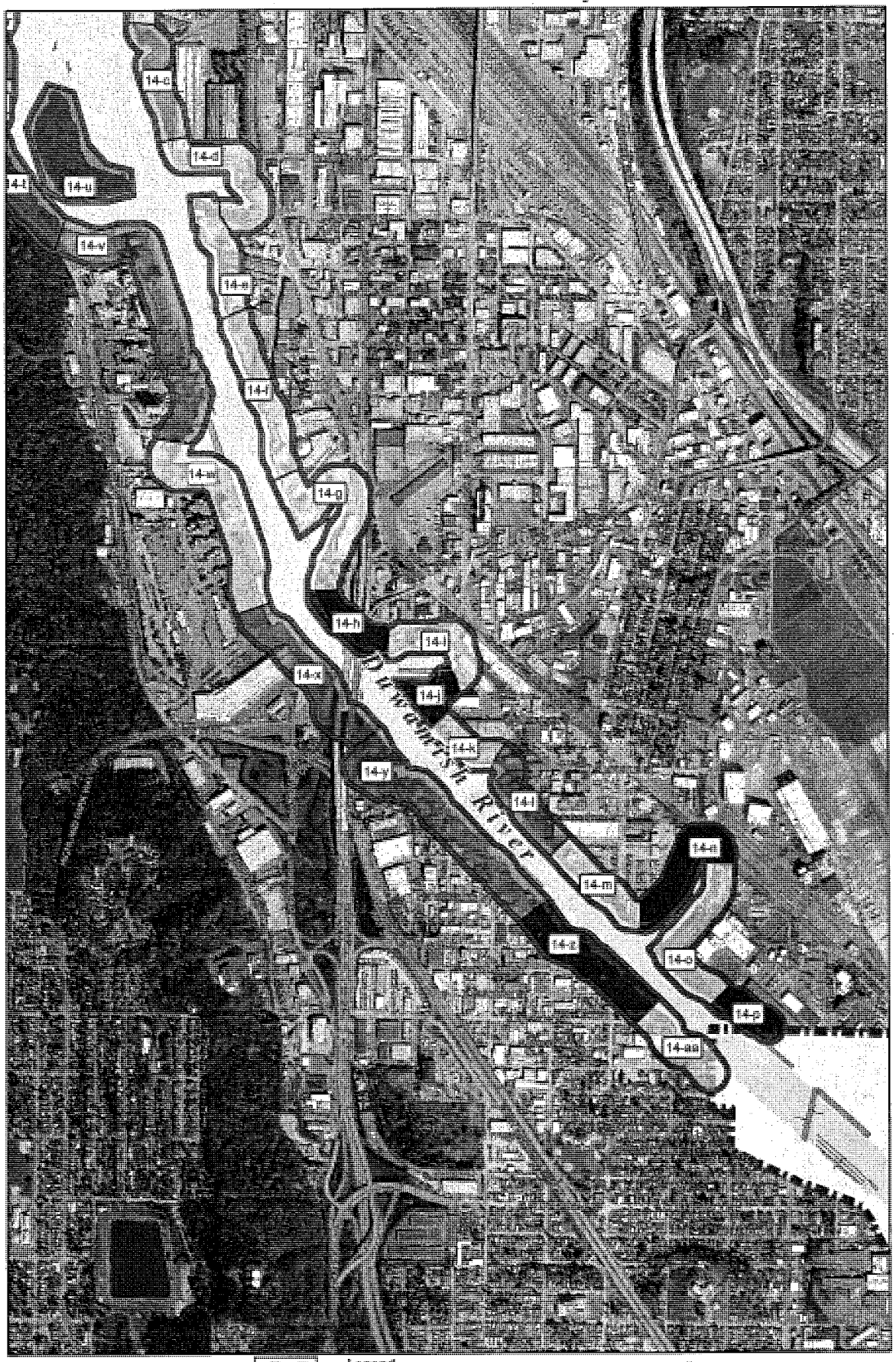
EXHIBIT C Shoreline Sub-Reach Analysis

Map 14



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Shoreline

- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline
- 2006 Aerial Photos

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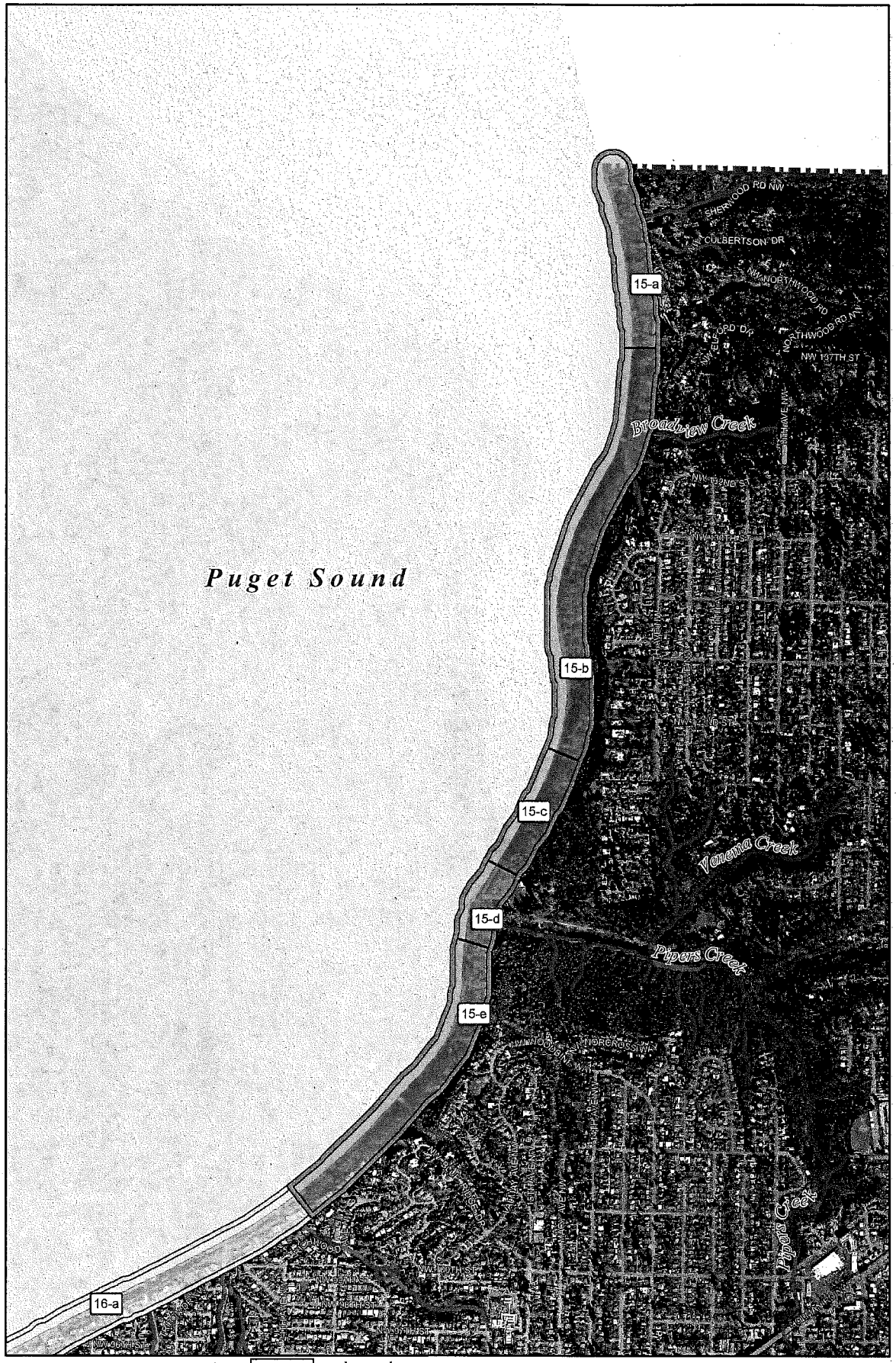
EXHIBIT C Shoreline Sub-Reach Analysis

Map 15



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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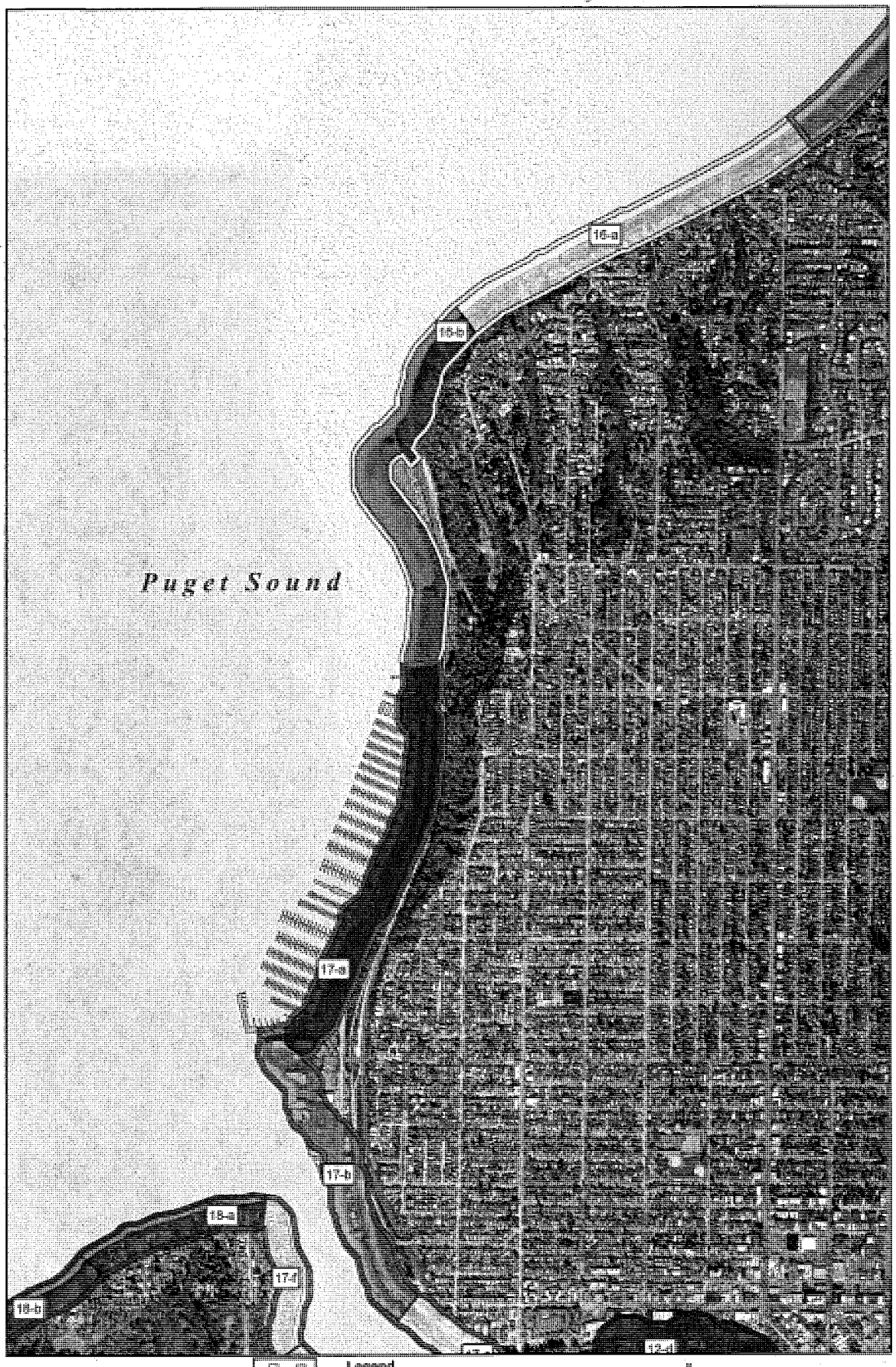
EXHIBIT C Shoreline Sub-Reach Analysis Map 16



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Level Impacted
Less Impacted
Moderately Impacted
More Impacted
Most Impacted

Reaches

Level Impacted
Less Impacted
Moderately Impacted
More Impacted
Most Impacted

Streams - Open
Streams - Culverted
City Limits
Shoreline
2006 Aerial Photos

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EXHIBIT C Shoreline Sub-Reach Analysis

Map 17

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Reaches

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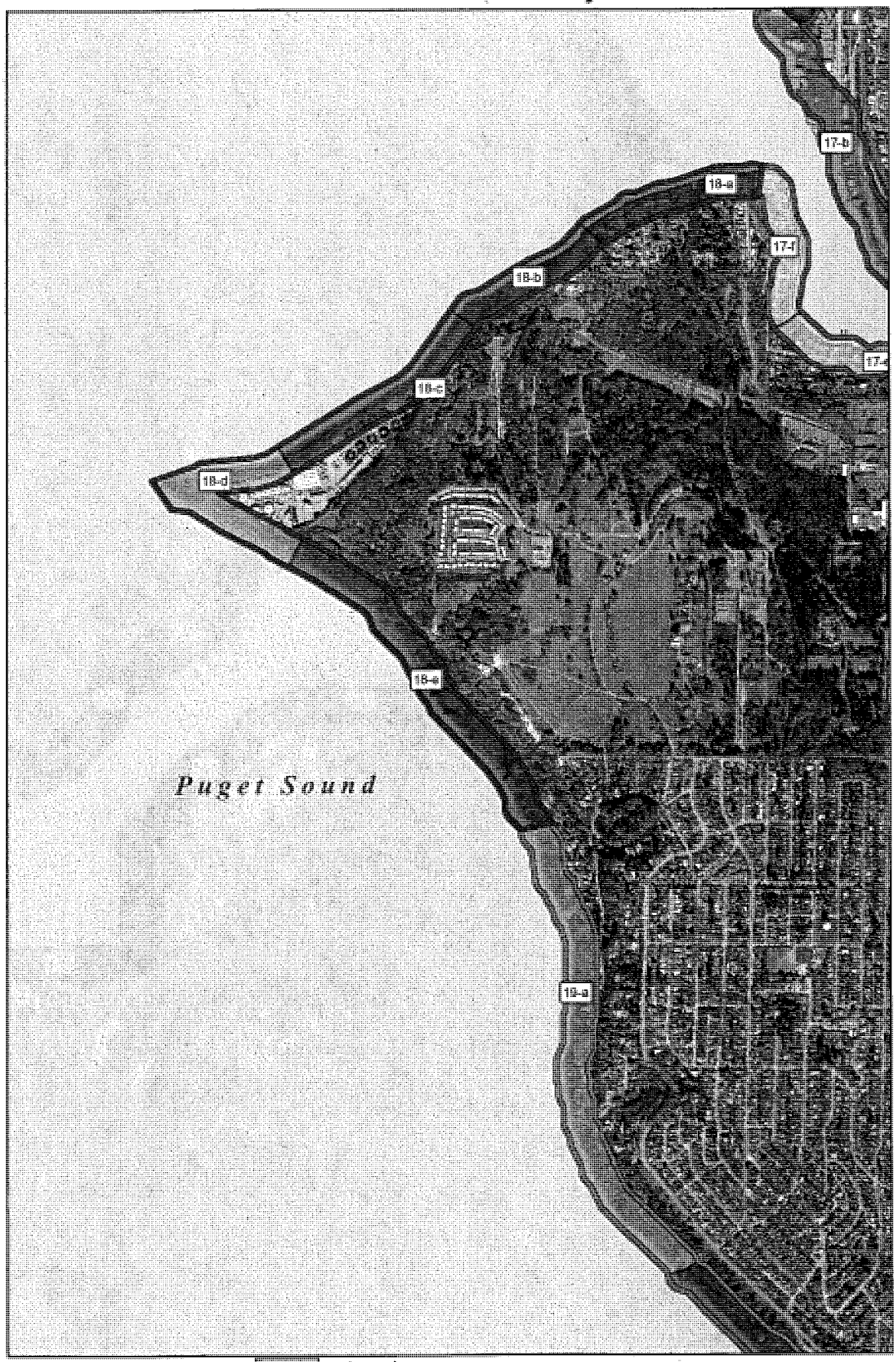
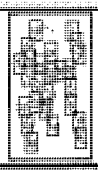
EXHIBIT C Shoreline Sub-Reach Analysis Map 18



Seattle Shoreline Master Program Update



Legend

Degree of Impact to Natural Forcing Processes

Sub Reaches

Land Impacted

Less Impacted

Moderately Impacted

More Impacted

Most Impacted

Shorelines

Streams - Open

Streams - Culverted

City Limits

Shoreline

2005 Aerial Photos

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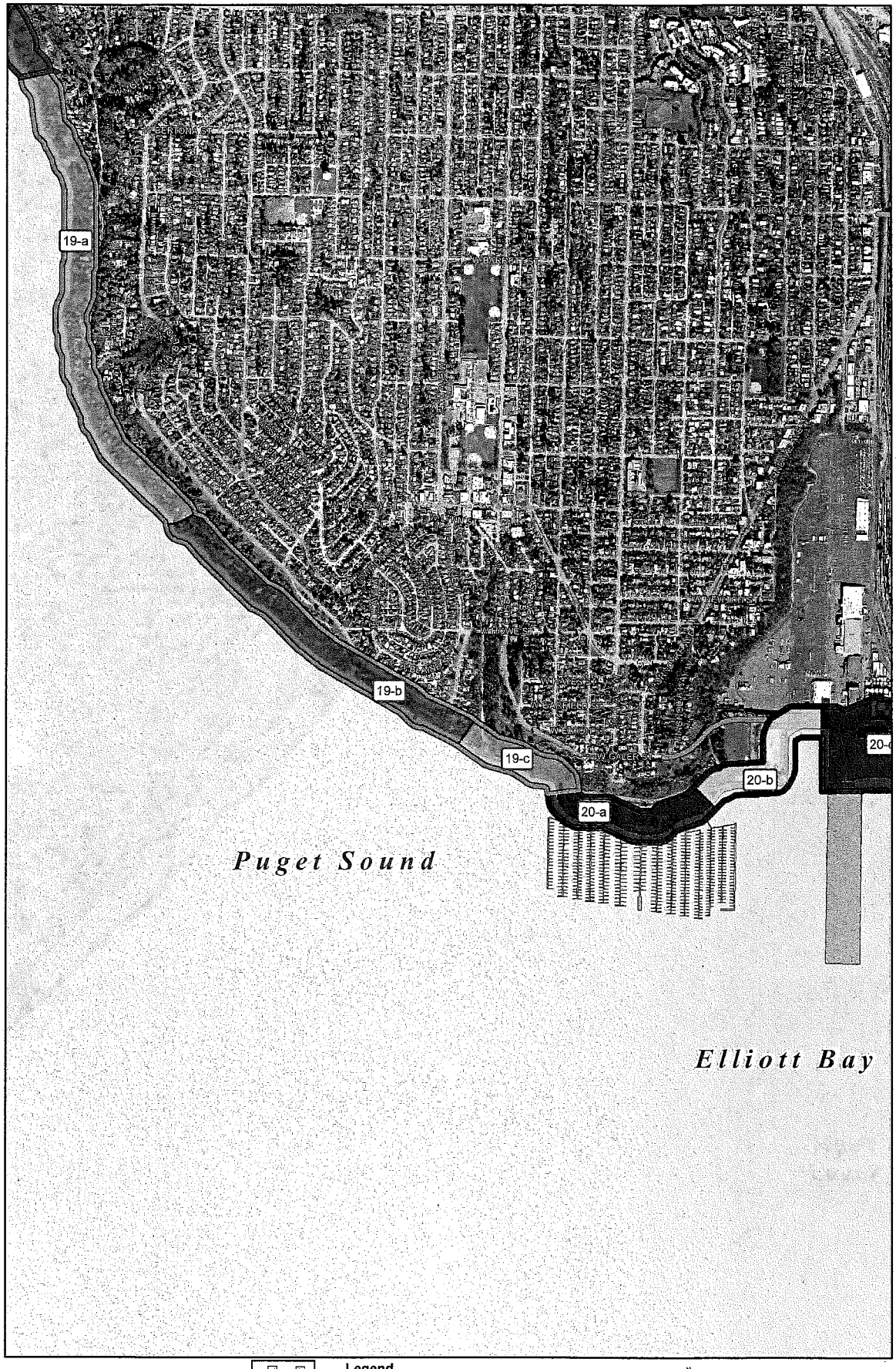
EXHIBIT C Shoreline Sub-Reach Analysis Map 19



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline

2006 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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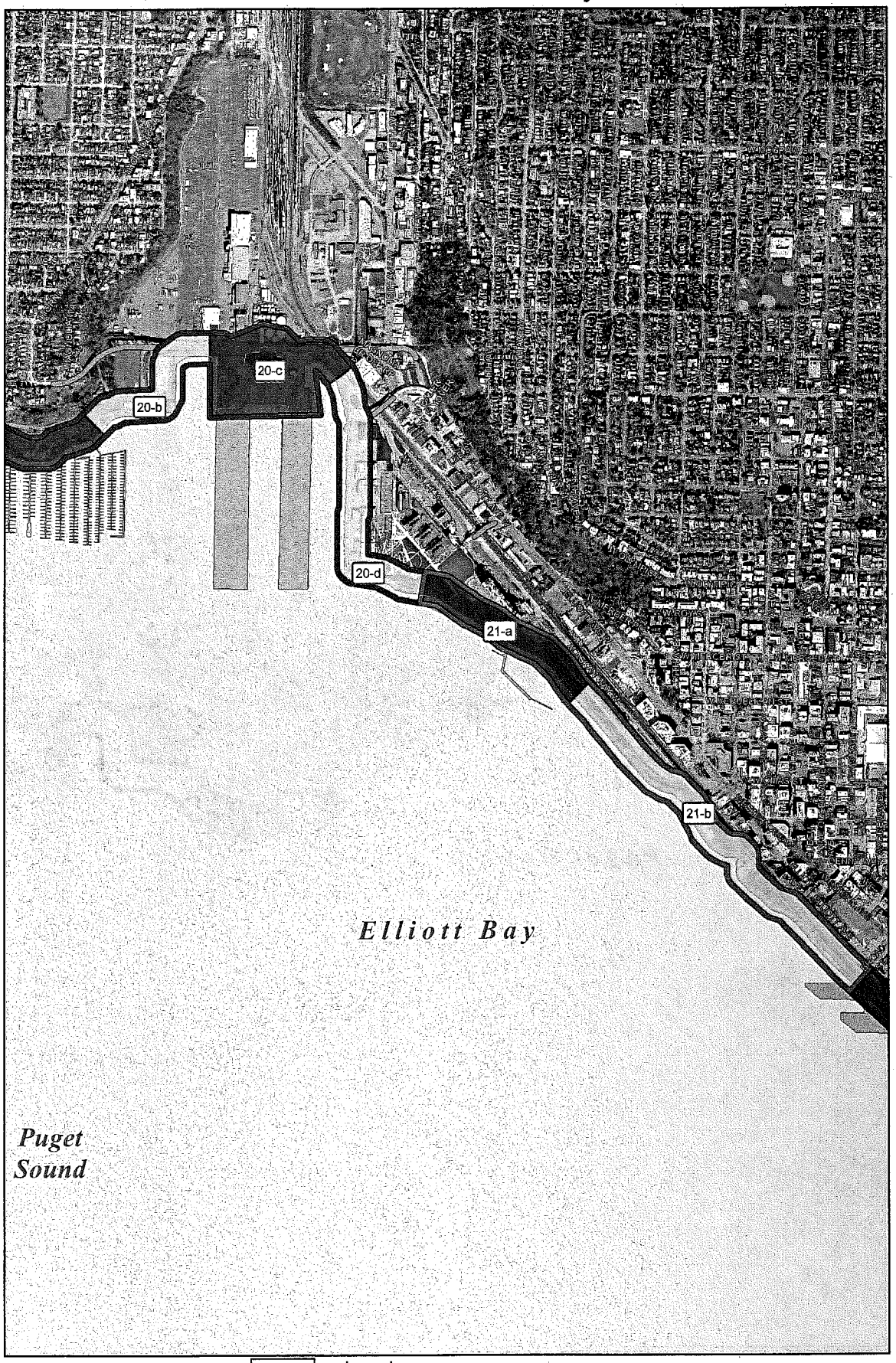
EXHIBIT C Shoreline Sub-Reach Analysis Map 20



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline
- 2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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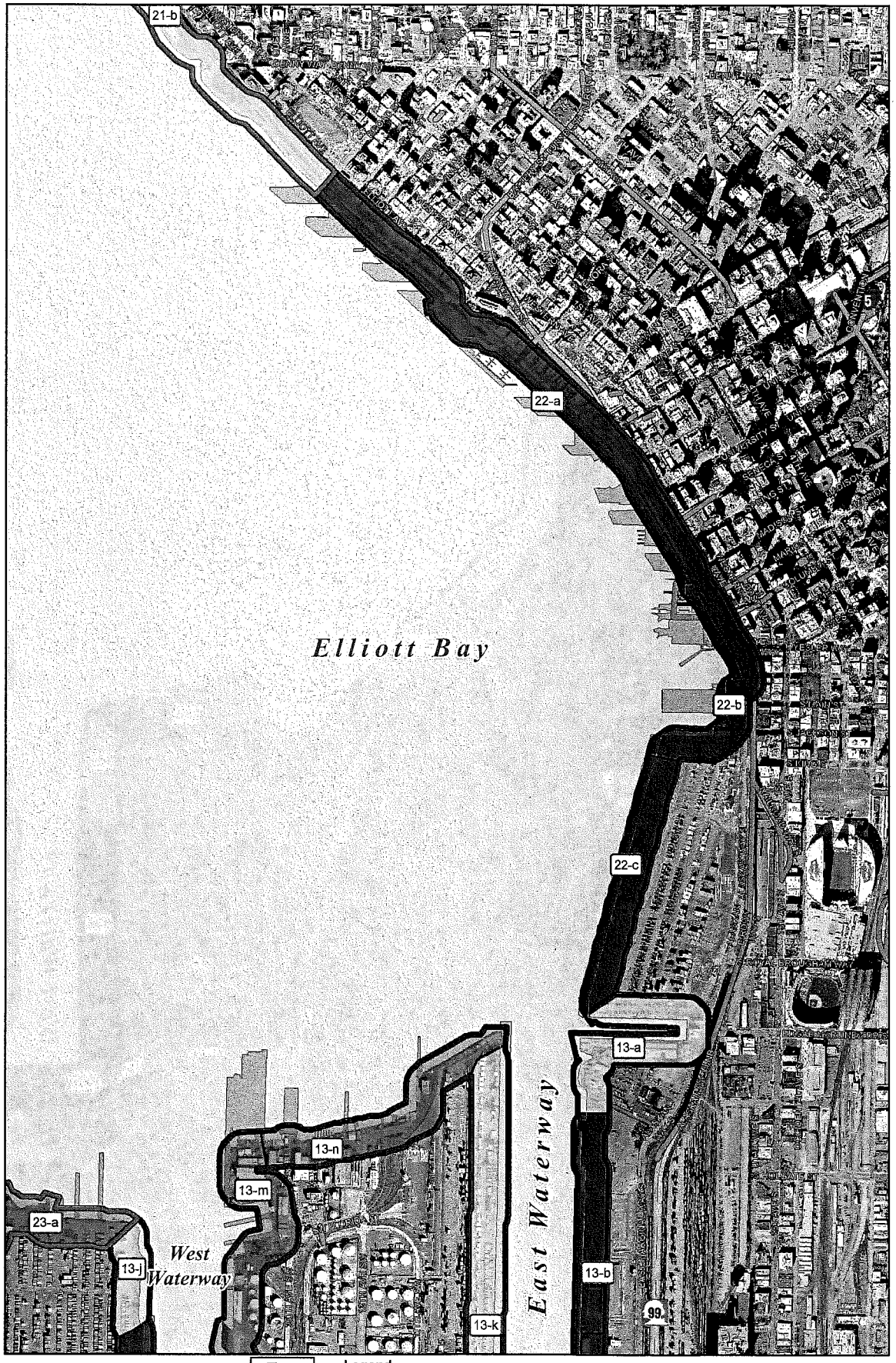
EXHIBIT C Shoreline Sub-Reach Analysis Map 21



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches	Reaches
Least Impaired	Least Impaired
Less Impaired	Less Impaired
Moderately Impaired	Moderately Impaired
More Impaired	More Impaired
Most Impaired	Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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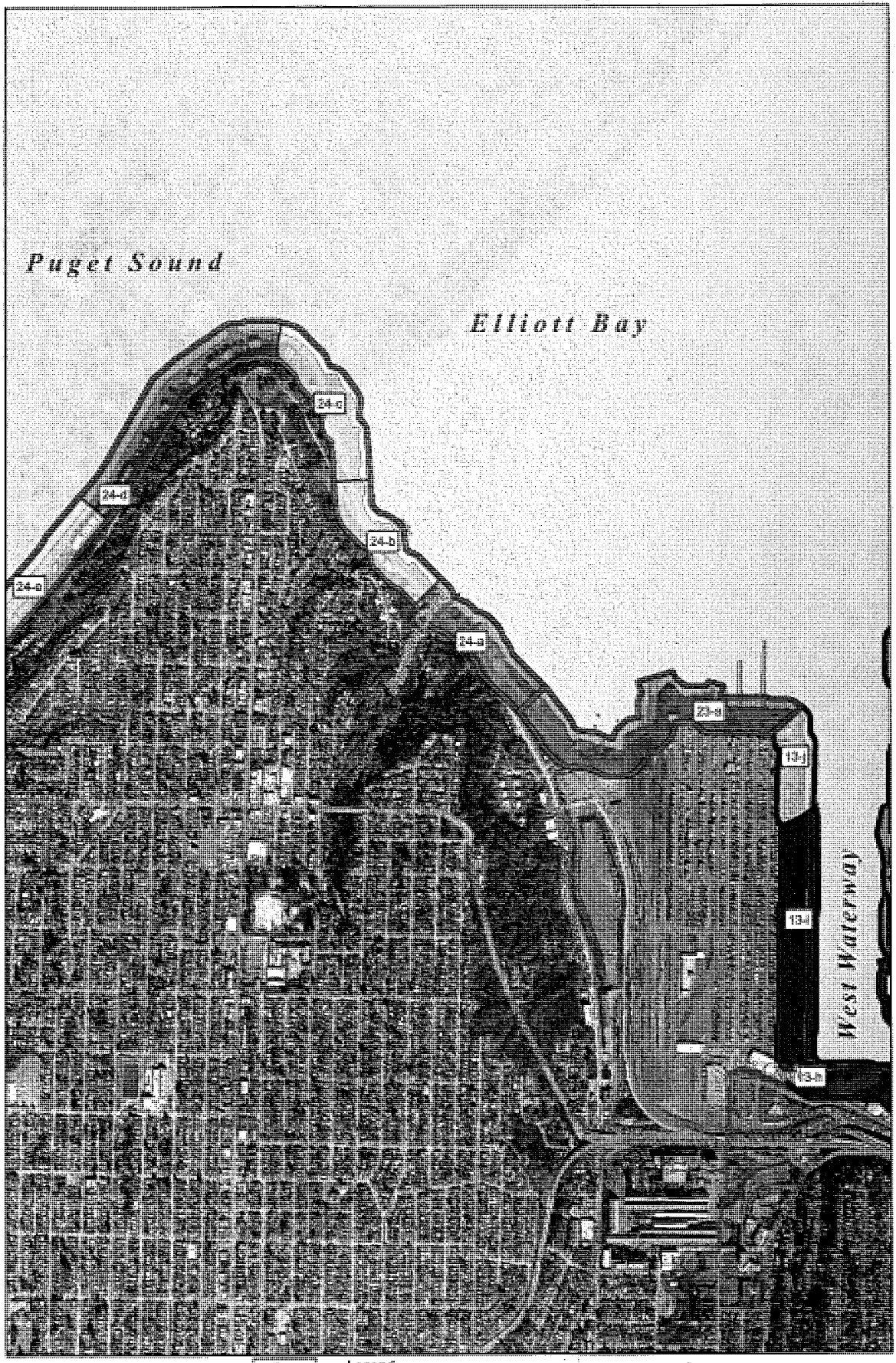
EXHIBIT C Shoreline Sub-Reach Analysis Map 22



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Reaches

Streams - Class

Streams - Potential

City Limits

Shoreline

2006 Aerial Photos

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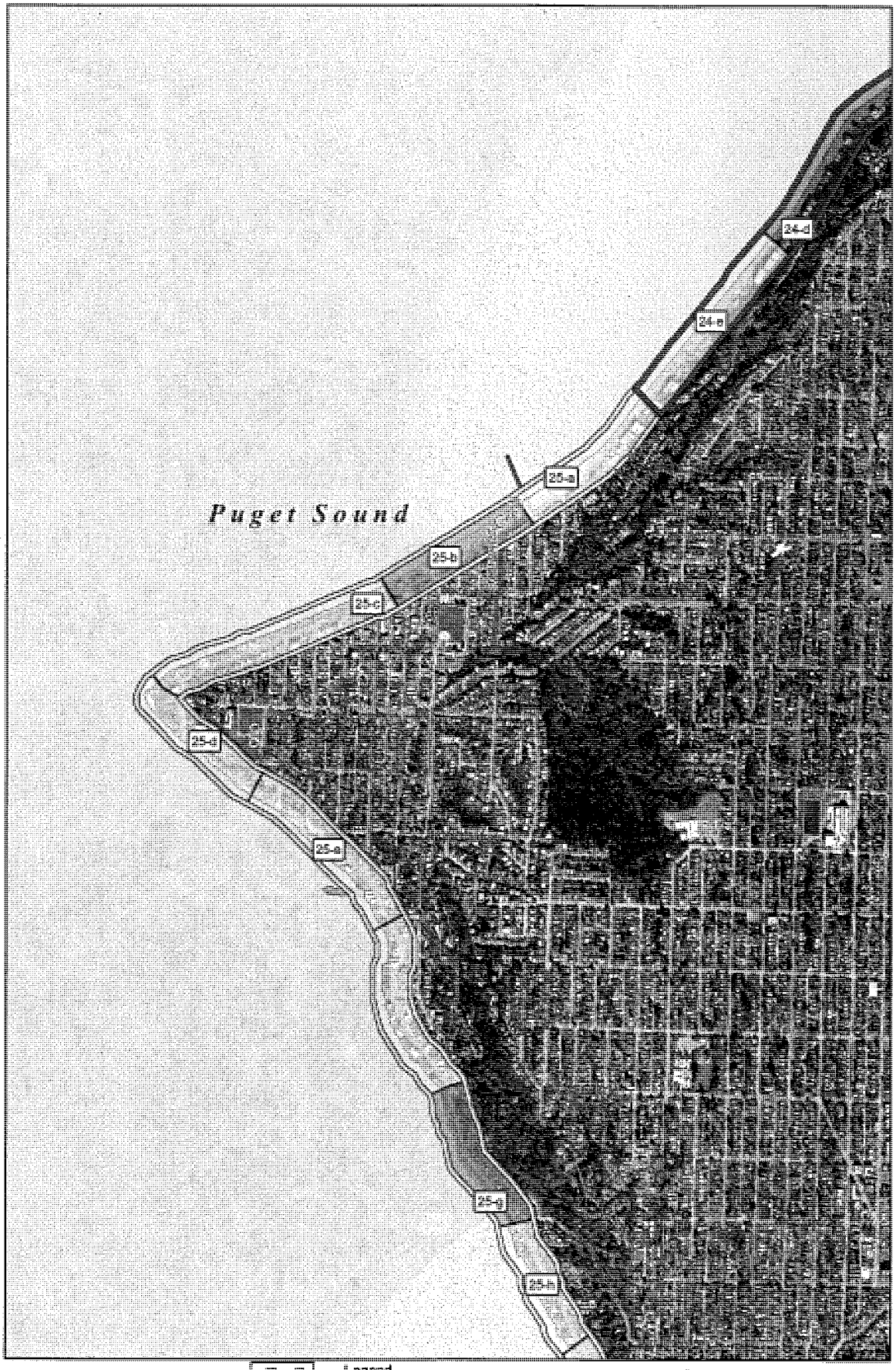
EXHIBIT C Sl reline Sub-Reach Analysi

Map 23



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Local Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Reaches

Local Impaired
Less Impaired
Moderately Impaired
More Impaired
Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photos

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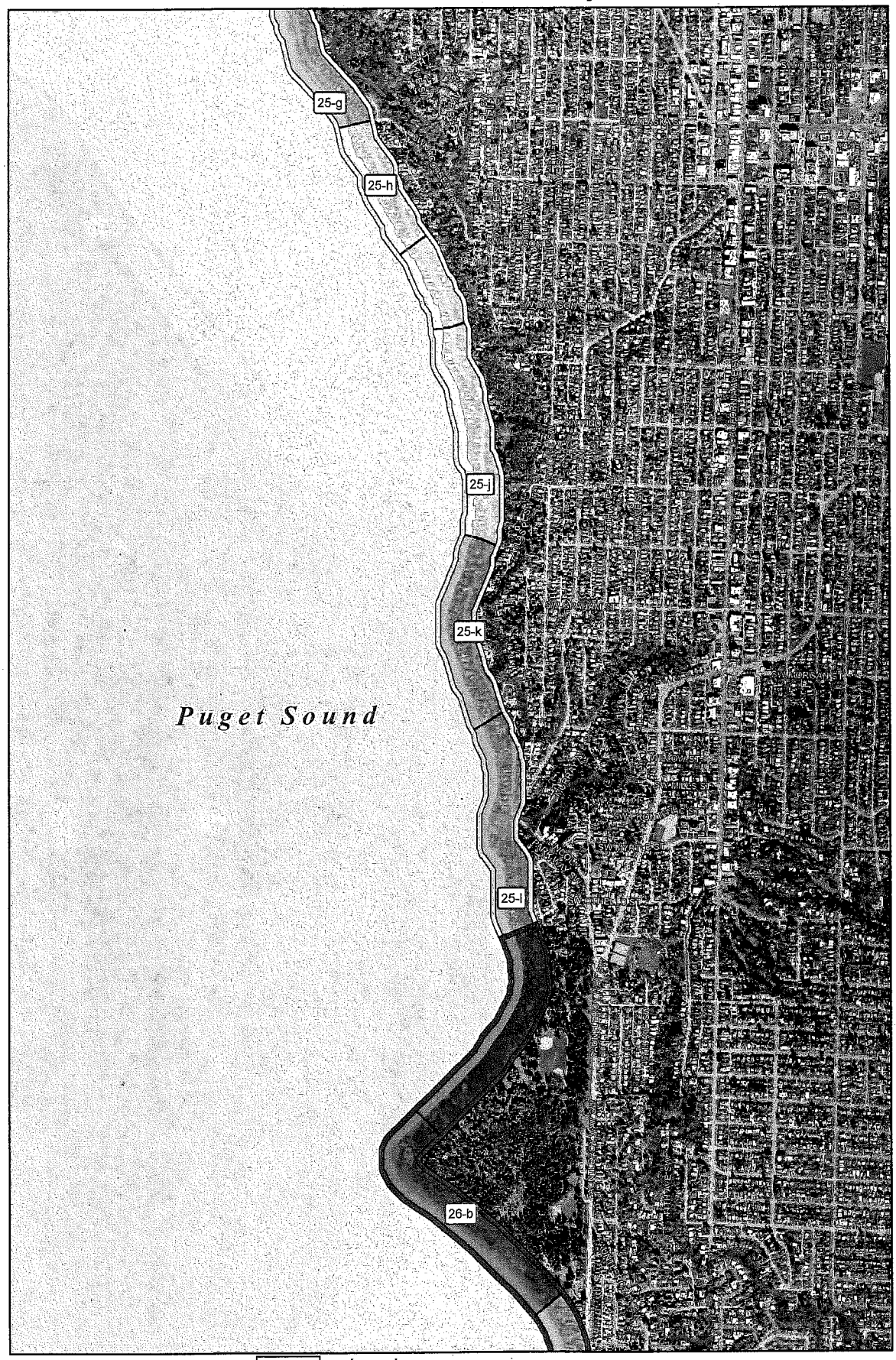
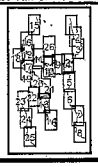
EXHIBIT C Shoreline Sub-Reach Analysis

Map 24



Seattle Shoreline Master Program Update



Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches
- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

- Streams - Open
- Streams - Culverted
- City Limits
- Shoreline
- 2005 Aerial Photos

N W E S

0 125 250 500 750 1,000 Feet

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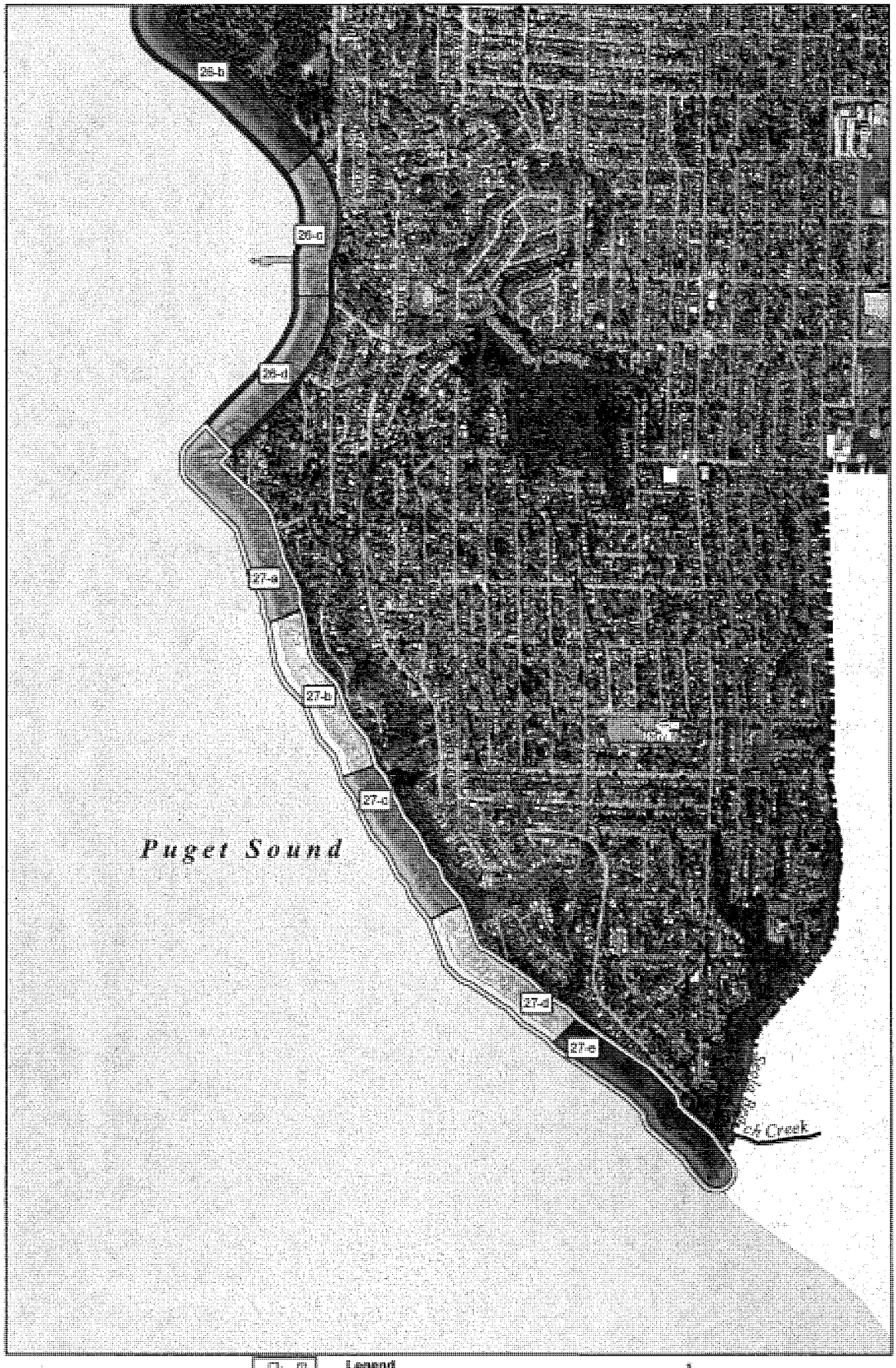
Prepared December 15, 2008 by DPD-GIS

EXHIBIT C Shoreline Sub-Reach Analysis Map 25



Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub Reaches

Reaches

Streams - Open

Streams - Culverted

City Limits

Shoreline

Aerial Photos

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EXHIBIT C Shoreline Sub-Reach Analysis Map 26

Seattle Shoreline Master Program Update

Legend

Degree of Impact to Habitat Forming Processes

Sub-Reaches

- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Reaches

- Least Impaired
- Less Impaired
- Moderately Impaired
- More Impaired
- Most Impaired

Streams - Open
Streams - Culverted
City Limits
Shoreline
2005 Aerial Photo

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Prepared December 18, 2006 by DPD-GIS

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Margaret Glowacki 386-4036	Melissa Lawrie 684-5805

AN ORDINANCE relating to the Seattle Shoreline Master Program; amending the Seattle Comprehensive Plan provisions in the Shoreline District; repealing Chapter 23.60 of the Seattle Municipal Code (SMC), the Shoreline Master Program; adopting an new Chapter 23.60A of the SMC, the Shoreline Master Program Regulations; incorporating and amending Chapter 25.09 of the SMC, environmentally critical areas regulations located in the Shoreline District into Chapter 23.60A of the SMC; amending subsection 23.80.004.C of the SMC, essential public facilities for light rail transit in the Shoreline District; adding certain shoreline violations to the citation process in Chapter 23.91of the SMC; amending Chapter 23.32 of the SMC at pages 1, 10, 33, 49, 52, 53, 65, 74, 75, 80, 81, 82, 83, 84, 97, 99, 114, 125, 208, 210, 214, 215, and 217 of the Official Land Use Map to revise the locations of shoreline environments; adopting a Restoration and Enhancement Plan; repealing subsections 25.09.020.D.6 and 25.09.200.B of the environmentally critical areas regulations, creating and regulating shoreline habitat as a critical area; and amending Sections 22.170.110, 22.805.020, 22.807.020, 23.28.030, 23.34.007, 23.41.004, 23.41.012, 23.42.038, 23.42.040, 23.42.100, 23.44.006, 23.44.008, 23.44.010, 23.44.014, 23.44.052, 23.45.536, 23.45.545, 23.50.002, 23.50.014, 23.50.018, 23.50.026, 23.55.015, 23.57.002, 23.72.006, 23.72.008, 23.76.006, 23.76.066, 23.88.020, 23.90.006, 23.91.002, 25.09.015, 25.09.020, 25.09.045, Section 25.09.200, 25.09.240, 25.09.260, 25.09.320, 25.09.330, 25.09.520 of the SMC.

Summary of the Legislation:

This legislation, mandated by the State Legislature, requires that Seattle comply with the Shoreline Master Program Guidelines (2003) established by the Department of Ecology under the Shoreline Management Act (SMA). The SMA was created by citizen referendum in 1972, and last updated 25 years ago. The SMA establishes three major policy goals in regulating the Shoreline District: to provide for water-dependent uses; to protect and restore the shoreline ecological conditions; and to provide for public access for public enjoyment of the shorelines.

Additionally, the SMP update has provided DPD with the opportunity to fine-tune shoreline regulations to ensure that economic development and environmental protection priorities are effectively balanced.

Specifically, this legislation:

- Requires that the regulations, including the Environmentally Critical Areas regulations, meet No Net Loss (NNL) of Ecological functions.

- Regulates environmentally critical areas located in the Shoreline District under the SMP.
- Develops a restoration plan that is non-regulatory and when implemented results in improved ecological functions of the shoreline.
- Requires that non-water-oriented uses, when allowed on waterfront lots, include ecological restoration to meet the goals of the SMA.
- Requires that non-conforming uses and structures when allowed to be replaced include ecological restoration to meet the goals of the SMA.
- Includes shoreline buffers for all shoreline environments based on the purpose of the shoreline environment and the ecological conditions of the shoreline as determined by the Shoreline Inventory and Characterization Report. Buffers range from 15 ft for water dependent and water related uses in the Urban Industrial and Urban Maritime Shoreline Environments to 100 ft in areas of the Conservancy Preservation Shoreline Environment where there is little to no existing development.
- Adds a new section to the SMC to allow 20% of a site to be used for uses that are not water-dependent or water-related (WD/WR) and support WD/WR uses as identified in the Seattle Shoreline Market Study. These uses are allowed without a Conditional Use.
- Adds a new section to the SMC to allow additional height for structures that are used for the above allowed uses that are not WD/WR and for accessory uses.
- Adds a new section to the SMC for small lots that allows for WD/WR uses to be located over water on lots in the Urban Commercial and Urban Maritime shoreline environments and allow certain non-water-dependent or water-related uses to be located overwater as a Conditional Use.
- Includes provisions in the overwater structures and bulkhead/shoreline stabilization sections of the regulations that allow for water-dependent and water-related uses to replace these structures without the need to provide additional information to demonstrate the need for these structures for the operation of water-dependent and water-related businesses.
- Removes any conditional use requirement from the existing regulations for all water-dependent and water-related uses.
- Changes boat repair from a prohibited use to an allowed use in the Conservancy Waterway shoreline environment to allow for boat builders to use adjacent water for their operation.
- Adds a definition for "reasonable" that includes cost consideration for mitigation actions.
- Adds new sections to the SMC for mitigation sequencing that requires a project to avoid impacts and mitigate remaining impacts to achieve NNL.
- Adds a new section to the SMC that defines and protects priority freshwater and saltwater habitat.
- Adds a new section to the SMC that regulates shoreline modifications, including modified regulations for aquatic noxious weed control, breakwater, jetties, groins and weirs, dredging, fill, grading, landfill, piers and floats and shoreline stabilization and new regulations for artificial reefs, boat launch and landing facilities, dry docks, heat exchangers, floating dolphins, mooring buoys, mooring pilings, slope stabilization, and vegetation and impervious surface management.
- Includes the allowance for temporary development that requires mitigation to achieve NNL.

- Allows for existing structures in the Urban shoreline environments built in the required setback to be replaced if mitigation is provided.
- Allows recreational marinas in the Urban Industrial and Urban Maritime shoreline environments in the Lake Union Ship Canal.
- Maintains current regulations for floating homes to be repaired, maintained and replaced.
- Prohibits new floating homes.
- Maintains current regulations prohibiting house barges after 1990 and requiring water quality protection.

Background:
The Department of Ecology's 2003 SMP Guidelines require that local jurisdictions comprehensively update their SMPs. In 2007, DPD was awarded a $400,000 grant from the Department of Ecology to update the Shoreline Master Program to meet Department of Ecology's 2003 Guidelines. The final Shoreline Master Program at the completion of the update will consist of the Shoreline Master Program Regulations, the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan and Environmental Critical Areas regulations for critical areas within the Shoreline District.

The SMP is composed of the SMP Regulations (SMC 23.60A), the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan required by WAC 173-26-201(2)(f) and Chapter 25.09 regulations for Environmental Critical Areas. In preparing the updated SMP, DPD also prepared the following:

1. ***Shoreline Inventory and Characterization Report.*** In 2009, a Shoreline Characterization Report was published that rated the shoreline's ecological condition with five ratings from least impaired to most impaired.
2. ***Public Participation Plan.*** DPD produced a public participation plan that included a website, an open house, a public survey of Seattle citizens and seven "visioning workshops", and the formation of a Citizen Advisory Committee (CAC) who started meeting in 2008, and who last met in 2011 to review the proposed amended SMP.
3. ***Shoreline Environments.*** DPD evaluated existing shoreline environment designations and compared these designations with Ecology's new requirements and proposed revisions as required, and are part of the legislative package.
4. ***Cumulative Impact Analysis.*** DPD analyzed the proposed regulations to determine if the regulations, when implemented, meet "no net loss" of ecological functions. A Cumulative Impact Analysis report was produced detailing the findings of this analysis.

Please check one of the following:

____ **This legislation does not have any financial implications.**

__X__ **This legislation has financial implications.**

Note: While the legislation does not have direct financial impacts on DPD or other City departments, it is expected to require a slight increase in review time by DPD staff for

review of shoreline permit applications. This increase in staff time will be paid for through existing fee structures in 2012. Additional changes to DPD fees related to the Shoreline Master Plan are reflected in the 2013-2014 DPD fee ordinance, which will be submitted to Council separately along with the 2013-2014 Proposed Budget.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

Yes, while the legislation does not pose direct impacts to annual budgets, it is expected to require a slight increase in review time by DPD staff for review of shoreline permit applications. As described above, it is expected that additional staff time in 2013 will be paid for through existing fee structures.

b) What is the financial cost of not implementing the legislation?

The SMP update is mandated by the State Legislature.

c) Does this legislation affect any departments besides the originating department?

All departments will be required to comply with the amended regulations. City departments that own submerged property and/or property within 200 feet landward of the ordinary high water mark are required to comply with shoreline regulations.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

This legislation is mandated by the State Legislature.

e) Is a public hearing required for this legislation?

Yes, a public hearing is required before the City Council. .

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, notice of the public hearing is required in The Daily Journal of Commerce, both for the SEPA determination, which was published in June, 2012, and again once a date for the City Council's public hearing is scheduled. Notice of the public hearing must be provided thirty days before the hearing.

g) Does this legislation affect a piece of property?

The legislation effects all submerged areas of Lake Washington, Lake Union, the Ship Canal, Green Lake, the Duwamish and Puget Sound, all areas within 200 feet landward of the Ordinary High Water mark of the previously listed water bodies, and all flood plains and wetlands that are associated with the previously listed water bodies. The map

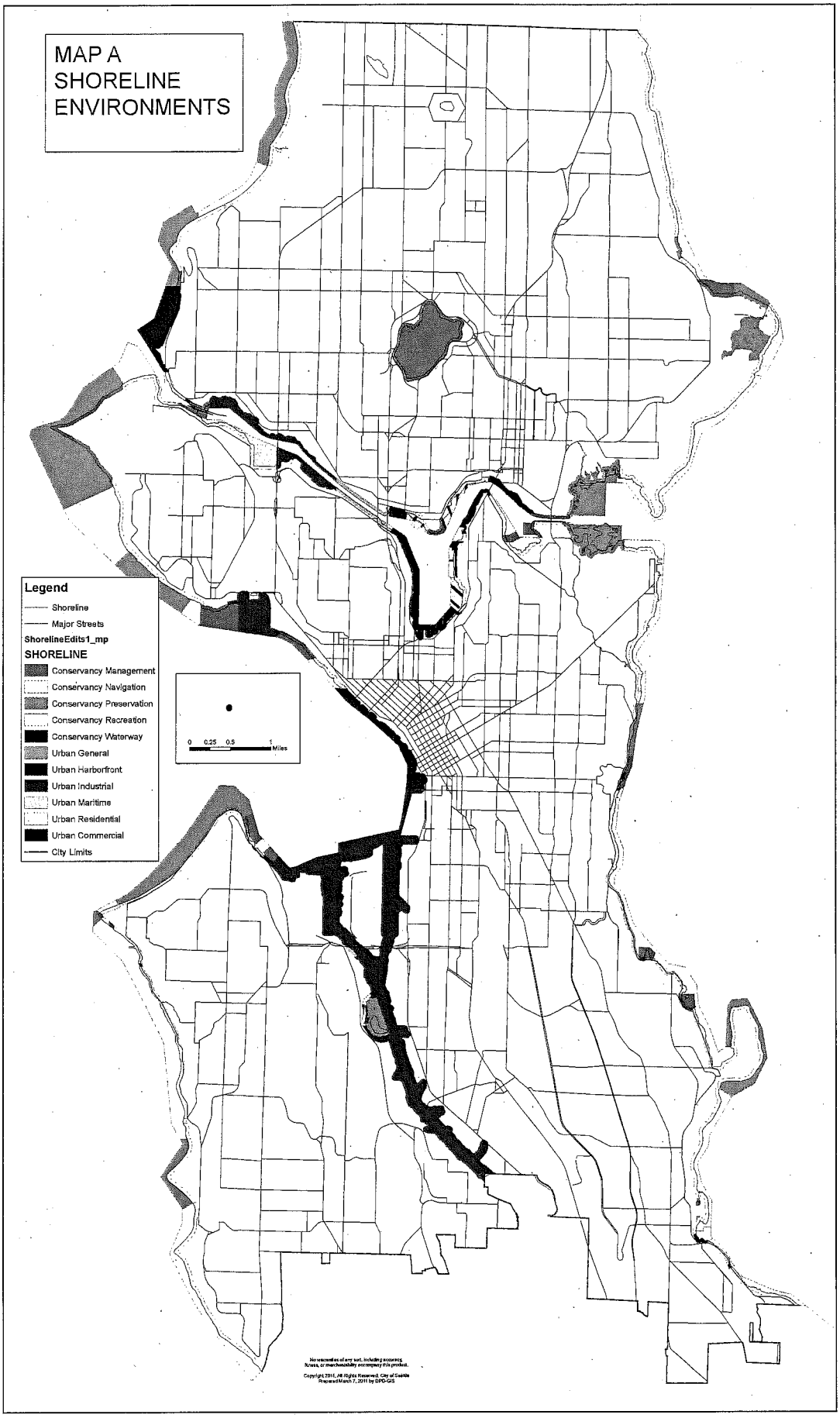
in Attachment 1 to the fiscal note illustrates the area affected by this legislation.

h) Other Issues:

The DPD fee ordinance must be amended to clarify how fees currently required for Environmental Critical Areas review will be assessed and collected for the critical areas located within the Shoreline District. The 2013-2014 DPD fee ordinance will be submitted to Council separately along with the 2013-2014 Proposed Budget.

List attachments to the fiscal note below:

Attachment 1: Map A Shoreline Environments


MAP A
SHORELINE
ENVIRONMENTS
Legend
Shoreline
Major Streets
ShorelineEdits1_mp
SHORELINE
Conservancy Management
Conservancy Navigation
Conservancy Preservation
Conservancy Recreation
Conservancy Waterway
Urban General
Urban Harborfront
Urban Industrial
Urban Maritime
Urban Residential
Urban Commercial
City Limits
0 0.25 0.5 1
Miles

City of Seattle
Office of the Mayor

September 4, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill updating Seattle's Shoreline Master Program (SMP), which was last updated by the City in 2003. This legislation, mandated by the State Legislature, requires Seattle to comply with the Shoreline Master Program Guidelines established by the Department of Ecology under the Shoreline Management Act (SMA). The SMA establishes three major policy goals in regulating the Shoreline District relating to use and protection of the exceptionally valuable and vulnerable shoreline resources: to provide for water-dependent uses; to protect and restore the shoreline ecological conditions; and to provide for public access for public enjoyment of the shorelines.

The legislation addresses a number of key elements of Shoreline Master Program regulations, including - provisions addressing overwater structures, particularly living over water; flexibility to allow some non-water dependent uses that are supportive of maritime uses on waterfront lots; increased protection for shoreline ecology through setbacks and vegetation requirements; and enhanced mitigation provisions to both better offset the impacts on sensitive shorelines and to allow the review permit applications in a more transparent and timely manner. The SMP update has also provided DPD with the opportunity to fine-tune shoreline regulations to ensure that economic development and environmental protection priorities can both be achieved.

The recommended regulations strike the necessary balance among the SMA goals and will serve an important part in preserving the value of Seattle's shorelines for everyone. Thank you for your consideration of this legislation. Should you have questions, please contact Maggie Glowacki 386-4036.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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