

**WATERWAYS CRUISES AND EVENTS
PORT ORCHARD MARINE CORP.**

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May 23, 2011

Margaret Glowacki
Senior land Use Planner
City of Seattle
700 5th Avenue, Suite 2000
Seattle, WA 98124-4019

Re: Comments on First Draft of 2011 Seattle Shoreline Master Program (SMP)

Dear Ms. Glowacki:

Waterways Cruises and Events has been in business since 1991 and operated its dining cruise and private charter business on Lake Washington and Puget Sound since 1994. Port Orchard Marine Corporation owned and operated the Port Orchard Railway Marina from 1995 to 2006 and has owned and leased property along the shores of Lake Union since 1994.

Waterways Cruises employs up to 40 people on a seasonal basis. Most live within a short commute of our HomePort facility at 2441 N. Northlake Way, Seattle WA 98103. Many of our employees are part-time employees earning their way through local colleges. Annually we operate over 500 cruises from our HomePort facility which includes over 400 LF of commercial moorage, a fully equipped commercial kitchen/commissary, offices, on-site parking, fenced storage, enclosed storage and facilities which are rented to third party tenants, all of which are in marine related businesses. Our customers come from all over the Puget Sound area. We provide access to Seattle's Lakes to over 50,000 guests each year – more than any other company operating from Lake Union or Lake Washington.

Our HomePort property is currently zoned I/UM-45. We also occupy a DNR leasehold on Waterways 17 which is zoned C11.45

The presently drafted SMP is exceedingly complex and there are a number of changes required if public policy is to continue to foster the continued health and growth of maritime activities in the State and most particularly in the Seattle area.

There are a number of organizations that will speak to the details of requested changes to SMP policy and wording. The following reflect areas of particular concern to our family businesses -- Waterways Cruises and Port Orchard Marine Corporation:

1. Treated Wood and Light Penetrating Decking. Our in-the-water moorage facility is built on non-treated log non-treated pilings. Piers are decked with ACZA treated planks. All improvements have been installed using BMPs mandated by City of Seattle and various agencies of the State of Washington and the federal government.

It is important that we continue to be able to maintain, repair, replace and expand our facilities using these natural materials. City, state, and federal agencies with jurisdiction over the use of materials to construct marine facilities should be on the same page, which they are not currently. This consistency should be reflected in all SMP policy and language.

State and local agencies have been mandating that pier deck replacement be accomplished with light penetrating fiberglass grids. There are several issues with the use of this decking:

- The use of this material is not mandatory but discretionary.
- Public facilities are not required to be constructed to the same high standards as private facilities (example = the new marina owned by the University of Washington uses concrete floating docks without light penetrating decking).
- The decking presents a trip-and-fall hazard, especially to women in high heeled shoes.
- The decking allows a higher degree of water pollution from runoff than solid concrete or wood deckings.

2. Use of the property. The use provisions of property located within the jurisdictional area of the SMP should have commonality with other use definitions and, again the city, state and federal jurisdictions should all be on the same page with common definitions as to land use.

Use the KISS principal not the bureaucratic principle of making it so complex that only a hearing officer can sort out whether or not a proposed use can be accommodated and negotiations with governmental representatives require costly legal services and consultants to get equal treatment under the law.

When developing language to define permitted uses have those definitions mirror “real world”, market driven uses not theoretical and idealistic uses.

3. Public Access. There are multiple existing areas along the shoreline that provide access to the water. Most of these uses are underdeveloped or not developed at all for public access and use of the water.

Rather than requiring private property owners to provide public access to the water from the land, the focus of public policy should be to develop and maintain existing public access points (example = street ends). Focus private energy and financial resources on developing and maintaining existing accesses rather than requiring the development of new ones.

At the current time government does not have the financial resources to develop or maintain existing accesses to the water. Requiring private property owners to develop and maintain public access to the water on private property is a hidden tax on property owners. The cost of providing public access to the water should be a public cost not a private one.

The new SMP should reflect that uses such as Waterways Cruises, in the nature of their business provide public access to the water – we carry 50,000 passengers a year on the water! Private property owners should not be required to provide public access to their property. We received no acknowledgment that we bring thousands onto the water with our water dependent business.

There are serious problems that need to be addressed if public access is to be encouraged across private property – liability, insurance, security, and cost of development and maintenance. In the case of our business, Waterways Cruises, we are subject to stringent USCG mandated security policies that run contrary to the public access policy stated and defined in the draft SMP.

4. Setbacks, corridors and lot coverage. Most of the Lake Union waterfront is already developed. The area, as developed, is currently inadequate for the marine uses which it serves. To further create large areas of undevelopable property through setbacks, corridors and lot coverages that exceed current standards will shrink the developable land base for marine dependent uses.

Existing uses should be able to replicate and upgrade facilities without reducing existing densities and providing additional; “open space”.

Revised public policy might consider providing incentives of some nature for those that want to give provide views or access of and to the water. Stop using a stick...use a carrot.

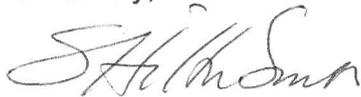
5. Marina and marine facility standards. Establish a framework with the new SMP which allows a private property owner or marine dependent business flexibility as to how to comply with the code. Tell them what to do, not how to do it. Same thing you would tell your children!

Don't run a person's business through the SMP. Provide the framework for a person to run their business under the umbrella of the code. Get back to KISS.

- a. Reference established and well-known Best Management Practices well known to the maritime industry and build upon them.
- b. Recognize that marinas and marine dependent businesses already do provide public access and a valuable water dependent use.
- c. Allow businesses to make the financial and operational decisions surrounding live-aboards, the type of vessel allowed, etc.

We appreciate the opportunity to comment and appreciate the willingness of DPD to work with our various organizations to complete the task or revising the SMP. We look forward to commenting on the second draft.

Sincerely,



S. Hilton Smith
Waterways Cruises and Events
Port Orchard Marine Corporation

cc: Diane Sugimura, Director of DPD
Marshall Foster, Director of Planning, DPD