

# City of Seattle Shoreline Master Program Update

## Director's Report

August 2012

### INTRODUCTION

The City of Seattle's Department of Planning and Development (DPD) is comprehensively updating Seattle's Shoreline Master Program (SMP) for the first time since 1987. The SMP constitutes the policies and regulations governing development and uses on and adjacent to marine and freshwater shorelines. This includes the waters of Puget Sound, Lake Washington, Lake Union/Ship Canal, Duwamish River, Green Lake, as well as associated wetlands and floodplains. These policies and regulations affect land uses and activities, including those over water and on vessels, building bulk, scale and setbacks, public access requirements, bulkheads, docks, piers and construction practices.

The SMP is composed of the Seattle Shoreline Master Program Regulations, 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.

Updating the SMP is a state mandated requirement under the State of Washington's Shoreline Management Act (SMA), created by citizen referendum in 1972. The SMA establishes policy goals for the management of shorelines, and the state's SMP guidelines establish the requirements on how to achieve the policy goals, with flexibility to acknowledge local concerns and conditions. The SMA establishes three major policy goals for SMPs:

- *Preferred Shoreline Uses:* The SMA establishes a preference for uses that are water-oriented and that are appropriate for the environmental context (such as port facilities, shoreline recreational uses, and water-dependent businesses). Single-family residences are also identified as a preferred use when developed in a manner consistent with protection of the natural environment.
- *Environmental Protection:* The Act requires protections for shoreline natural resources, including "... the land and its vegetation and wildlife, and the water of the state and their aquatic life ..." to ensure no net loss of ecological function. No net loss of ecological functions means that the existing condition of shoreline ecological functions should not deteriorate due to development allowed in the Shoreline District. The existing condition or baseline is documented in the shoreline inventory and characterization report.

- *Public Access*: The Act promotes public access to shorelines, including view protection by mandating inclusion of a public access element in local SMPs and requiring provisions to ensure that new development maintains public access features.

The goal of the update process is to improve Seattle's SMP to both comply with the new SMA guidelines developed by the Washington State Department of Ecology (Ecology) in 2003 and better implement the people of Seattle's vision for Seattle's shorelines.

## SUMMARY

Ecology's Shoreline Master Program Guidelines challenges local jurisdictions to reduce the impact of shoreline activities on ecological processes through the concept of "no net loss" of ecological functions. The SMP update also provided DPD the opportunity to fine-tune Seattle's shoreline regulations to ensure that economic development and environmental protection priorities are effectively balanced.

### *Public Involvement*

Throughout the update process DPD conducted public outreach in many ways including a Citizen Advisory Committee (CAC) that was convened in 2008. The CAC met from May 2008 through June 2009 to help develop the policy direction for the update. Additionally, DPD convened inter-departmental and inter-agency teams to provide input on the proposed changes and attended many community meetings gathering input on the proposed regulations.

### *Shoreline Master Program Guidelines*

The SMP Guidelines are composed of six main components that are required for the SMP update:

1. Shoreline Inventory and Ecological Characterization Report.
2. Development and implementation of a public participation plan, included the Citizen Advisory Committee.
3. Shoreline Policy Development for the City's Comprehensive Plan.
4. Regulations.
5. Cumulative Impact Analysis on regulations to demonstrate that regulations meet no net loss of ecological functions.
6. Restoration Plan – non-regulatory – build on existing salmon recovery planning efforts, city department capital improvement projects and other public agency work that restores ecological functions along the shorelines

### *Key Recommendations*

The proposal to amend the Shoreline Master Program is summarized by the following list of key recommendations:

- Require that the regulations, including the Environmentally Critical Areas regulations, meet No Net Loss (NNL) of Ecological functions.
- Regulate environmentally critical areas located in the Shoreline District under the SMP.
- Develop a restoration plan that is non-regulatory and when implemented results in improved ecological functions of the shoreline.
- Require that non-water-oriented uses, when allowed on waterfront lots, include ecological restoration to meet the goals of the SMA.
- Require that non-conforming uses and structures when allowed to be replaced include ecological restoration to meet the goals of the SMA.
- Include 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.
- Add a new section 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.
- Add a new section to allow additional height for structures that are used for the above allowed uses that are not WD/WR and for accessory uses.
- Add a new section 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.
- Add new sections for mitigation sequencing that requires a project to avoid impacts and mitigate remaining impacts to achieve NNL.
- Add a new section that defines and protects priority freshwater and saltwater habitat.
- Allow for existing structures in the Urban shoreline environments built in the required setback to be replaced if mitigation is provided.
- Allow recreational marinas in the Urban Industrial and Urban Maritime shoreline environments in the Lake Union Ship Canal.
- Maintain current regulations for floating homes to be repaired, maintained and replaced.
- Prohibit new floating homes.
- Maintain current regulations prohibiting house barges after 1990 and requiring water quality protection.

## Background

### State Requirements

Ecology's 2003 SMP Guidelines require that local jurisdictions comprehensively update their SMPs. The main components of the update include:

1. ***Shoreline Inventory and Characterization Report.*** DPD inventoried the shoreline ecological environment and assessed the ecological conditions of the shoreline. A Shoreline Characterization report was produced that rated the ecological condition with five ratings from least impaired to most impaired. The information on the ecological condition of the shorelines will serve as the baseline conditions by which DPD measures impacts and restoration on the shoreline after the new regulations are implemented.

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, a Visioning Report that summarized the public survey and visioning workshops and the formation of a Citizen Advisory Committee (CAC) with a report that summarized the work of the CAC.

3. ***Shoreline Environments.*** DPD evaluated existing shoreline environment designations and compared these designations with Ecology's new requirements for protection of shoreline ecological functions while providing for the preferred uses and public access of the shoreline.

4. ***Shoreline goals, policies and regulations.*** DPD has proposed updated shoreline goals and polices in the Comprehensive Plan and shoreline regulations in Chapter 23.60 of the Seattle Municipal Code to:

- a. Protect areas of the shoreline that have higher ecological functions based on the results of the Shoreline Inventory and Characterization Report.
- b. Require that all uses on waterfront parcels be water dependent unless a study shows that the demand by water-dependent uses is less than the supply of available land for such uses. Single family residential use is also a preferred use and therefore can be allowed on waterfront parcels if developed in a manner consistent with protection of the natural environment.
- c. Require that all impacts to the shoreline environment meet "no net loss" of ecological functions.
- d. Incorporate the City's regulations for environmentally critical areas, currently in SMC 25.09.

5. ***Cumulative Impact Analysis.*** DPD analyzed the draft regulations to determine if the regulations, when implemented, meet "no net loss" of ecological functions. The draft Cumulative Impact Analysis report detailing the findings of this analysis was completed in April of 2012.

6. ***Shoreline Restoration and Enhancement Plan.*** DPD prepared a draft shoreline restoration plan that identifies the type of restoration that will increase ecological functions along Seattle's shorelines. The shoreline is divided into reaches and within each reach, specific actions are identified that will increase ecological functions along the reach. This restoration plan is non-regulatory and plans for the improvement of ecological functions of the shoreline over time. The restoration plan will be approved as part of the SMP ordinance.

All SMP update documents may be accessed on DPD's website at:

<http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate>

## **PUBLIC PARTICIPATION**

The SMA requires that local governments actively encourage participation by the public. To this end DPD has implemented the following to engage and inform the public on the SMP update:

### **Website and ListServ**

DPD established a website and a ListServ in the fall of 2007. The website provides information on the shoreline update process, announces dates and times of public meetings, including CAC meetings, and posts all documents that have been prepared for the SMP update and contains a comprehensive list of comments received on the first and second drafts, how the City responded to the first comments, a summary of the response to the second comments.

Information regarding public meetings and the release of documents are sent to the Listserv so that constituents requesting specific notice are kept informed of the SMP update progress.

### **Public Meetings**

Table 1 in Appendix A lists the public meetings, including the purpose of the meetings held in 2007 – 2012 for the SMP update.

### **Visioning Process**

As part of the Visioning element required by the SMP guidelines, DPD undertook a community visioning process to develop an overall vision for Seattle shorelines and to establish the intent of future shoreline policy. This Visioning process identified a range of visions and views for the city as a whole, as well as for each of six shoreline sub-regions (Elliott Bay, Duwamish River, Lake Union/Ship Canal, Lake Washington, Puget Sound and Green Lake).

The community visioning process consisted of: 1) a telephone survey conducted by Elway Research, Inc.; 2) a series of seven visioning workshops in the shoreline sub-regions attended by 117 participants; and 3) comments provided online via the city's SMP Update web site (<http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate>).

The telephone survey was designed to quantify general public opinion about Seattle's shorelines. 400 randomly selected Seattle residents were asked fourteen questions. The results of the survey are statistically valid, with a 95% probability that the results are within 5% of what would have been obtained by interviewing all city residents.

The community visioning workshops were designed to generate more in-depth conversation about shorelines and competing values. Workshops were structured around the following questions:

- What do we want our shorelines to be like in the future?
- What are the different visions for shoreline management that exist within each community?

- How well are competing uses being balanced?
- What unique conditions exist in each section of shoreline?

A Visioning Report provided a summary of the rich and diverse input provided through this visioning process and concluded that Seattle's shorelines play an important role in how we work and recreate, and they are one of the features that make Seattle a world-class city. The public survey and visioning process demonstrated that citizens of Seattle place a high value on shorelines and that water-dependent businesses, public access, and environmental protection are all priorities for the future. Through this public visioning process, the public helped DPD review and update the City's Comprehensive Plan shoreline policies and the SMP.

Responses to the telephone survey, the visioning workshops, and via the online comment form are available on the City's SMP Update web site.

### Citizen Advisory Committee

DPD convened a Citizens Advisory Committee (CAC). The CAC's charge was to review, discuss and make recommendations to influence and guide DPD in the course of updating the SMP. DPD developed a list of stakeholders to serve on the CAC, asked for and received nominations from the public. Nominees were interviewed by Triangle Associates (who also provided meeting facilitation for the CAC and the Community Visioning Workshops). Triangle worked with DPD to develop and present recommendations as to who would sit on the CAC. The objective was to provide a wide range of perspectives, not a proportionately representational group (a list and biosketches of CAC members are included as an appendix to the final CAC report).

CAC members also participated in an interactive visioning exercise. The result was a consensus vision statement to guide the CAC's deliberations as they discussed, debated and expressed their viewpoints on the issues. The full record of the CAC's visioning exercise is attached to the final CAC report as an appendix. The vision statement reads as follows:

*The SMP Update Citizens Advisory Committee envisions a future for Seattle's shorelines in which the Shoreline Management Act's three major co-equal policy goals (protecting preferred uses, providing environmental protection, and promoting public access) are truly balanced. This means that the opportunity for citizens to experience and interact with the shoreline in a wide variety of ways will not be limited by a lack of public access points or views. It means that the shoreline's ability to sustain diverse plants and animals will be both protected and restored. It means that existing historic, diverse and active uses of Seattle's shorelines will be maintained. And it means ensuring that Seattle remains a place where marine businesses thrive and make an important contribution to both the economy and our unique character.*

The major issue areas that were discussed at the CAC meetings were:

- Shoreline Environmental Designations
- Residential Development Standards

- Commercial and Industrial Development Standards
- Shoreline Modifications (including dredging, shoreline stabilization and overwater structures)
- Shoreline Mitigation
- Public Access and Views
- Floating Homes
- Urban Stable/Urban Mixed Use Development and Use Standards
- Non-Conforming Structures and Uses

Three documents were prepared for each of the issue areas, to document the CAC's review and discussion. Prior to each meeting, DPD prepared a policy paper that outlined existing standards and explained how the state's guidelines in the Washington Administrative Code (WAC) applied to the subject at hand, as well as a list of issues that needed to be addressed under that specific issue area.

CAC members discussed each policy paper at the meetings, and were asked to identify areas of agreement, as well as provide statements of support or concern where there was not broad agreement. CAC members were also encouraged to provide written comments on the issue areas between meetings. After each meeting, a summary was prepared by Triangle Associates, to describe areas of agreement and disagreement, clarify where and why there was disagreement and to state points of view fairly and clearly.

DPD then developed response papers for each issue, containing a summary of the proposals DPD presented to the CAC, views expressed by CAC members, and DPD's responses to these comments. All of these documents are provided as appendices to the final CAC report.

CAC Report- the CAC, with support provided by DPD, compiled their own report of their views and positions with regard to the topic areas discussed. The report provides a concise summary of the CAC's year-long process to review and discuss key policy issue areas for the Seattle SMP update.

## **Boat Tour**

In September of 2008 DPD organized a boat tour of Seattle's shorelines to provide the members of the CAC and the public an opportunity to view the shorelines from the water and to hear about the history of Seattle's shorelines from Dr. Lorraine McConaghy, the historian at the Museum of History and Industry. Additionally, the boat tour provided the opportunity for broad discussions regarding the ecological functions and the industrial, commercial, residential and recreational uses of the shoreline. Judith Noble, a Strategic Advisor for Seattle Public Utilities, provided information on the environmental and industrial aspects of the shoreline focusing on the Duwamish River and Elliott Bay, and Eric Hanson, the manager of Seaport Planning for the Port of Seattle, provided information regarding the Port's role in providing both economic and environmental benefits to Seattle.

Attendees on the tour included Councilmember Jean Godden, ten CAC members, 29 community members, DPD consultants and staff from the Seattle Department of Transportation (SDOT), Office of Economic Development (OED), Seattle Public Utilities (SPU) and DPD.

### **Other Agency Reviews:**

The State requires that local governments actively encourage participation of federal, state and other local agencies in updating SMPs. Therefore, DPD organized four meetings with the staff of the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, NOAA Fisheries, U.S. Fish and Wildlife Service and the Army Corps of Engineers during the months of August and September, 2009. Staff from the Muckleshoot Tribe were invited but could not attend the meetings because of time constraints. These meetings were held after completion of CAC meetings so that the discussions could focus on how proposed regulations would address the major issues that were discussed at the CAC meetings. No major concerns were identified during these meetings.

### **Draft Proposals and SEPA Review:**

DPD released two drafts of the proposed regulations for public and Department of Ecology review and comment. The first draft was released on February 8, 2011 followed by a 4 month public comment period and the second draft was released in October 26, 2011 followed by a 2 and ½ month public comment period. As noted, public comments received are posted on the SMP update website.

DPD published a SEPA decision on the proposed Shoreline Master Program including the shoreline policies, proposed regulations and map (see Appendix B) of the shoreline district with the proposed changes to shoreline environments.

## **ANALYSIS & RECOMMENDATIONS**

### **COMPREHENSIVE PLAN**

The majority of changes that were made to the Comprehensive Plan were organizational and grammatical. The major substantive changes to the Comprehensive Plan are as follows:

- Included the management policies of each shoreline environment to the goals and policies for each environment.
- Included the requirement to achieve no net loss of ecological functions to the shoreline protection and restoration goals and polices.
- Allowed specific uses that are not water-dependent or water-related, limited to 20 percent of the dry land lot area as part of a development that includes a water-dependent use in the Urban Industrial and Urban Maritime Shoreline Environments if the use was indentified in the maritime report prepared as part of the SMP update. These specific uses are allowed without requiring ecological restoration because the maritime report identified these as uses that will benefit water-dependent uses located in the Shoreline District.

- Allowed uses that are not water-dependent or water-related or water enjoyment, limited to 20 percent of the dry land lot area as part of a development that includes a water-dependent use if and the development includes shoreline ecological restoration that furthers the goals of the SMP per WAC 173-26-241(3)(d)(i) and (f)(i).
- Included the requirement of a Restoration and Enhancement Plan, to guide restoration activities and improve the ecological functions of the shoreline.
- Supported the use of scientific and technical studies and monitoring to measure the implementation of the regulations to achieve not net loss of ecological functions and the implementation of the Restoration and Enhancement Plan to increase the ecological functions of the shoreline.

## SHORELINE ENVIRONMENT DESIGNATIONS

Shoreline environments separate Seattle's shorelines into distinct geographic areas based on environmental conditions, land use patterns, and zoning. Seattle has two main categories of shoreline environments, Urban and Conservancy: there are six Urban and five Conservancy shoreline environments. The Urban environments are areas that are more developed and provide for single family residential development and water-dependent and water-related uses. The Conservancy shoreline environments are less developed and provide for areas of navigation, recreation and habitat protection.

In updating shoreline environments and designations, DPD assessed the overall framework of goals, policies and locational criteria and determined that the existing eleven shoreline designations reflect the unique goals and characteristics of the shorelines and meet the SMA and WAC 173-26; therefore, the existing eleven shoreline environments are proposed to remain subject to the following changes:

- The name of the Urban Stable (US) shoreline environment (Lake Union/Ship Canal) will change to Urban Commercial (UC) to better describe the type of development that characterizes this shoreline environment. This change is a change in name alone; therefore, the standards in subsections 23.60A.042 and 23.60A.060 do not apply.
- All the management policies from the environmental designation provisions of the SMP will be moved to Comprehensive Plan. This change will combine overarching policies and integrate these policies with other existing shoreline goals and policies.
- The policy of "no net loss of ecological function" and water quality protection will be specifically included in the SMP as an over-arching policy for all shoreline environments.

Shoreline environment designations were further reviewed against the SMA and WAC 173-26 criteria, and reviewed against the preferences for shorelines of statewide significance pursuant to RCW 90.58.020; the updated goals and policies in the Comprehensive Plan, the locational criteria for each Shoreline Environment based on current conditions, underlying zone, the rezone evaluations in Section 23.34.007 and the general rezone standards in Section 23.34.008 to determine where the designations should be changed. Six sources of information were used in this analysis:

1. Land use data collected in the 2007 Land Use Inventory

2. Ecological conditions noted in the 2009 Shoreline Inventory and Characterization Report
3. Underlying zoning designations
4. SMA and WAC 173-26
5. Seattle Municipal Code (Sections 23.34.007, 23.34.008 and 23.60.)
6. Comments from the public and the SMP Citizen Advisory Committee

Based on this analysis, changes to the environment designations are proposed in 18 locations. These proposed changes are identified as follows and correspond with areas identified on the Shoreline Maps in Exhibit B of the Shoreline Master Program Ordinance and summarized on the map in Appendix B of this report:

### General Proposals

- Based on the characterization report, apply the most appropriate environmental designations to publicly-owned land with high quality habitat or high potential for restoration. The proposed changes include re-designating areas 1, 10, 9, 11, 18, 14 and 15 to Conservation Preservation (CP).
- Rename the Urban Stable environment to Urban Commercial (UC) environment for greater clarity in the types of uses that are allowed in this shoreline environment.
- Re-designate certain areas in the former US environment (now UC) based on current uses and site characteristics. The proposed changes include area 4.
- Expand the shoreline jurisdiction to include shoreline-associated wetlands, as authorized by WAC 173-26. Designate newly-added wetland areas as CP (2, 5 and 15).
- Adjust boundaries of existing shoreline environments where they conflict with the regulations of underlying land use zones (3.).
- Change parks with boat ramps and no major overwater boat storage from Conservancy Management (CM) to Conservancy Recreation (CR) to more clearly differentiate between CM and CR (8, 7 and 6).
- Change dry land at Elliott Bay Marina to CM for consistency with other marinas (12).
- Change Elliott Bay parks from CM to CR to recognize the new waterfront trails and restored ecological functions (13, 17).
- Change parks in the Urban Industrial (UI) shoreline environment to CR to recognize recently created public access and restored ecological functions (18).
- Change land containing multifamily residential development from CM to UC for consistency (16).

### Specific Proposals

1. Change designation from CN to CP for submerged lands between Golden Gardens Park and the northern city limit.
2. Expand shoreline jurisdiction upstream to capture the associated wetlands of Pipers Creek (CP).
3. South of the Hiram Chittenden Locks on the Lake Washington Ship Canal, change a sliver of UR to UM where a conflict exists between the shoreline environment and the underlying zoning, which is Industrial Buffer /U45 and does not allow residential use.

4. Change the south side of the Fremont cut from US to UG for consistency with the north side, and to reflect the impracticality of water-related uses along this shoreline.
5. Extend shoreline jurisdiction upland to capture the associated wetlands on UW property and designate these new areas as CP.
6. Change dry and submerged land at Laurelhurst Beach Club from CM to CR for consistency with other recreation areas.
7. Change dry land at Laurelhurst Country Club from CM to CR for consistency with other recreation areas.
8. At the Magnuson boat ramp area, change dry and submerged land from CM to CR for consistency with other recreation areas.
9. East of NOAA's pier, change submerged land from CM to CP.
10. Change Matthews Beach Park dry and submerged land from CR to CP to protect creek mouth and high quality shallow-water habitat.
11. On submerged land northwest of Elliott Bay Marina, change high quality habitat reach from CR to CP.
12. At Elliott Bay Marina, change upland area from UR to CM for consistency with other marinas.
13. On submerged land adjacent to Myrtle Edwards (south of grain elevators), convert CM to CR in recognition of multiple beach restoration areas and waterfront trail.
14. Change submerged land at Madrona Park from CR to CP to better protect undeveloped shoreline.
15. Add associated wetlands at Pritchard Island as CP. Change wetlands at Beer Sheva from CR to CP to protect high-quality habitat.
16. Change land containing marinas and condos from CM to UC.
17. On dry and submerged land at Seacrest Park, change CM to CR.
18. Change dry land at Herring's House Park from UI to CR to protect the recently restored intertidal habitat area. Change submerged land at T-107 Park and Herring's House Park from UI to CP.

## SHORELINE ENVIRONMENTS - USE AND DEVELOPMENT STANDARDS

While underlying zoning continues to generally apply, shoreline environments contain specific standards that regulate uses, height, lot coverage and setbacks in accordance with specific shoreline objectives. Proposed changes to uses and general development standards in the shoreline environments are discussed below. Specific changes applicable to uses for each shoreline environment are indicated in Tables 2 through 12 of Appendix C.

### Common Elements in the Shoreline Environments

In all shoreline environments the following proposed changes are recommended:

- Upland lots by definition are separated from the water by a right-of-way or other government controlled property; therefore, these lots do not have access to the water. Allow uses on these upland lots that are not water-oriented because they do not have direct access to the water and thereby meet the requirements of *WAC 173-26-211.5.d.ii.A*

*allowance of non-water-oriented uses on lots without direct shoreline access should be limited to specific situations identified in a shoreline use analysis.*

- Aquaculture, where allowed, is proposed as a conditional use because of concerns regarding the impacts of this use on the aquatic environment including water quality.
- Cemeteries are included as a listed use and are prohibited in all shoreline environments.
- Live-work units are included as a listed use and are prohibited in all Conservancy shoreline environments; are allowed on waterfront and upland lots in the Urban Commercial shoreline environment, allowed on upland lots in the Urban Harborfront shoreline environment and prohibited in all other Urban shoreline environments.
- Research uses and restoration and enhancement uses are new uses that are regulated and allowed in all shoreline environments.
- Surface water heating cooling pumps are new uses that are regulated and allowed as conditional use outside the Lake Union and Ship Canal area in the Conservancy Management, Conservancy Recreation and Urban shoreline environments.
- To avoid requiring the applicant to apply for a variance that likely would be granted, redevelopment on lots with little or no dry land would be allowed as follows:
  - If the dry land portion of the lot from ordinary high water mark to the landward lot line is less than 65 feet, but at least 35 feet, the replacement structure can be no farther waterward from the landward lot line than 35 feet and must be located outside of the shoreline setback to the extent reasonable.
  - If the dry land portion of the lot from OHW to the landward lot line is less than 35 feet, the replacement structure can be rebuilt within the shoreline setback to the existing footprint of the structure or overwater to the extent reasonable and no larger than the existing footprint of the structure.

## Urban Environments

The SMP contains six urban environments: Urban Commercial, Urban General, Urban Harborfront, Urban Industrial, Urban Maritime and Urban Residential. These environments include areas of industrial and commercial water-dependent and water-related uses including Port facilities, cargo transportation, and commercial and recreational marinas and areas for residential development.

### Urban Commercial Environment

The current Urban Stable (US) environment is located in Lake Union, the Ship Canal, Lake Washington near Leschi, and in some areas along Seaview Avenue NW. These areas represent a unique environment within Seattle that accommodates high density development of commercial and residential uses as well as a mix of water-dependent and water-related commercial and recreational uses. Many of the lots have only small areas of dry land, with the majority of each parcel comprised of submerged lands. These lots support buildings that extend over-water on

piers, and most, but not all, of the buildings existed before the SMA was enacted. The following changes to regulations in this shoreline environment are proposed:

- Rename the existing US environment, Urban Commercial, to better describe this area.
- Define Lake Union as the area between the Fremont Bridge and the University Bridge.
- Establish a 35 foot setback that will result in the following:
  - Limited development would be allowed in the buffer including development necessary for water-dependent uses;
  - Structures that exist in the setback are allowed to be repaired, maintained and replaced to the existing footprint and will not be considered nonconforming. No expansion of these structures is allowed in the setback area. Expansion of structures is allowed outside the setback pursuant to the development standards.
- Allow for exceptions to the previous standards that reduce or eliminate the setback required on lots with little or no dry land. No expansion is allowed.
- Continue to allow residential, office and mixed non-water-dependent commercial uses on the dry land portion of waterfront lots in limited quantity; retain existing provisions with the following proposed changes:
  - Either provide public access as allowed in the existing regulations or provide ecological improvements, a new option, when permitting a non-water oriented commercial use, provided that the use must be part of a development that contains a water-dependent use. The public access requirement is for a major open space including a waterfront walkway instead of other public access options that are currently allowed, unless it is infeasible due to parcel size or incompatibility with water-dependent uses. The ecological improvement option is for a project that substantially improves the shoreline condition.
  - Allow counting the vegetated buffer in the calculation for the size of a major open space where required.
  - Apply existing commercial use floor area ratio (FAR) & parking limits to residential uses.
  - Increase the minimum percent of water dependent use required to avoid public access or ecological improvement requirements from 40% to 50%. Allow certain uses that are not water-dependent or water-related over water in existing buildings if a significant public benefit with respect to restoration goals of the Shoreline Management Act is provided as required by WAC 173-26-241.
- Allow residential, office and non-water-dependent commercial uses on upland lots.
- Change major durable retail sales from a conditional use to a prohibited use on waterfront lots.

All proposed changes to existing shoreline uses in the Urban Commercial shoreline environment are shown in Table 2 in Appendix C.

## Urban General, Urban Harborfront, Urban Industrial and Urban Maritime Environments

Urban General, Urban Harborfront, Urban Industrial, and Urban Maritime shoreline environments are the heavy commercial and industrial shorelines of the city. These areas contain the bulk of water-dependent and water-related uses that occur in Seattle, particularly marine industrial uses, and they play a critical role in the economic vitality of the city. Proposed changes in these shoreline environments are as follows:

- Maintain the requirement for water-dependent and water-related uses on waterfront lots, but allow greater flexibility on upland lots.
- Require a 15-ft building setback in the UH, UI and UM shoreline environments for water-dependent and water-related uses to provide some protection to the shoreline and provide the opportunity for shoreline vegetation where it does not compete with the allowed use on the property. The size of this setback is small in order to facilitate the use of this land by water-dependent and water-related uses.
- Water dependent uses that are required to be located in the shoreline setback and structures, including docks, piers, loading facilities and equipment necessary to accommodate access to the water by water-dependent uses are allowed within the 15 feet shoreline setback.
- Allow for reduced or no shoreline setback on lots with little or no dry land as follows: If the dry land portion of the lot from OHW to the landward lot line is less than 30 feet, the replacement structure can be rebuilt within the shoreline setback to the existing footprint of the structure or overwater to the extent reasonable and no larger than the existing footprint of the structure.
- When mitigation is required continue to seek re-vegetation in the setback as part of mitigation plans.
- The locational criteria for the Urban General shoreline environment are generally for areas within the Shoreline district that do not have access to the water because they are separated from the water by a government controlled property. Therefore, non-water-oriented uses are allowed on such lots in the Urban General shoreline environment. This allowance meets the requirement of WAC 173-26-211.5.d.ii.A allowance of non-water-oriented uses on lots without direct shoreline access, which should be limited to specific situations identified in a shoreline use analysis.
- Require a 35 foot shoreline setback in the UG shoreline environment because water-dependent uses are generally not located in this shoreline environment because the lots do not provide access to the water. Allow for an exception to this setback requirement on lots that have water access and contain a water-dependent use.

The state requires that uses on waterfront lots be water-dependent unless the demand by water-dependent uses is less than the supply of land available for such uses. Some waterfront property

owners are concerned that their properties are vacant because there is no demand for the use of their property by water-dependent users.

DPD commissioned a study by Easton and Associates to determine the demand for, and availability of waterfront land for water-dependent uses in order to understand whether the current inventory of land is adequate. Results of the study indicated that the demand for shoreline property by water dependent businesses does not exceed supply of shoreline property, however, the location and size of shoreline property available does not always meet the needs of the water-dependent businesses. Additionally, the study identified non-water dependent businesses that support water-dependent and water-related businesses that could help the economic viability of water-dependent and water-related uses if they were allowed to be located on the same shoreline property.

Based on this information and with the goal of ensuring an adequate supply of land for water-dependent and water-related uses while accommodating the efficient and profitable use of shoreline property, the following change is proposed:

- Allow for 20% of a waterfront shoreline property to be used for the non-water-dependent uses identified in the shoreline market study. The identified uses include material suppliers, grocery suppliers, hardware stores and machine shops. If these uses are non-water-oriented, they must be part of a project with a water-dependent use but are not required to provide a significant benefit such as ecological restoration that promotes the SMA goals because the market study identified these uses as benefiting water-dependent uses located in the Shoreline District.

Additional proposed changes to the uses in these shoreline environments are as follows:

- Allow water-related museums on upland lots in the UM environment.
- Allow water-dependent and water-related uses over water in existing structures on lots with less than 50-ft of dry land in the UM environment.
- Allow certain commercial and institutional uses overwater on and in existing structures when a significant benefit such as ecological restoration is provided that promotes the SMA goals per WAC 173-26-241(3).
- Allow new recreational marinas in the UI and UM in the Lake Union/Ship Canal.
- Prohibit bus bases in the UH environment.
- Provide clearer definitions of “water-dependent” uses and “water-related” uses to meet the SMP update requirements.

All proposed changes to existing shoreline uses in the Urban General, Urban Harborfront, Urban Industrial and Urban Management shoreline environments are shown in Tables 2 through 5 in Appendix C.

## Residential Environments

The Urban Residential environment represents the only explicitly residential environment in the Shoreline District. Floating homes primarily occur in the UR environment but are discussed separately and in more detail in the Over Water Residential Use Section of this report. Proposed changes are as follows:

- No substantial changes are proposed for use, height, and lot coverage. A variety of residential and limited institutional uses will continue to be allowed in this environment, similar to underlying residential zones. Height and lot coverage will continue to be consistent with underlying zoning.
- Extend existing 25 foot shoreline setback for primary structures to 35 feet and expand setback to include accessory structures, including garages, pools, decks, etc. DPD considered keeping the existing 25 foot setback; however the best available science regarding the impacts of development on aquatic habitat indicates that the minimum setback for protection of the aquatic environment is 35 feet. In order to provide minimum protection the restriction is needed for all structures and impervious surface. Primary structures existing in the shoreline setback area are allowed to be repaired, maintained and replaced to the existing footprint but may not expand in any manner in the setback. Expansion of structures is allowed outside the setback pursuant to the development standards.
- Allow for reduced or no shoreline setback on lots with little or no dry land as follows: If the dry land portion of the lot from OHW to the landward lot line is less than 30 feet, the replacement structure can be rebuilt within the shoreline setback to the existing footprint of the structure or overwater to the extent reasonable and no larger than the existing footprint of the structure.
- The existing residential view setback, which prevents new homes from being located waterward of adjacent residences, remains in effect.

All proposed changes to existing shoreline uses in the Urban Residential shoreline environment are shown in Table 7 in Appendix C.

## Conservancy Environments

The SMP contains five conservancy environments: Conservancy Management, Conservancy Navigation, Conservancy Preservation, Conservancy Recreation, and Conservancy Waterway. These environments include areas of high ecological value and submerged and aquatic lands that play important roles in providing habitat for aquatic species, navigation, recreation, and/or major public works such as the Hiram M. Chittenden Locks and the West Point sewage treatment plant.

The common change to all Conservancy shoreline environments is to establish a shoreline setback of 35, 50, 80 and 100 feet based on the best available science. A limited amount of development, including trails to access required viewpoints that provide public access, is allowed

in the setbacks. Proposed changes to uses allowed in the Conservancy shoreline environments include:

- Allow certain non-water-oriented commercial uses in existing buildings located in designated historic districts in the CM shoreline environment.
- Allow, as a conditional use, utility service uses in the CR shoreline environment.
- Require water-related uses to provide public access as required by the Department of Ecology.
- Remove public access requirement for waterways where the dry-land portion of the lot is used for industrial purposes.
- Clarify when public access is allowed overwater.

All proposed changes to existing shoreline uses in the Conservancy shoreline environments are shown in Tables 7 through 11.

## **SHORELINE MODIFICATIONS**

A new section is proposed to be added to address shoreline modifications as required by the State. Shoreline modifications are 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. They can include other actions, such as clearing, grading, or application of chemicals. The main shoreline modifications are discussed below.

### **Dredging and Filling**

- Make minor changes to the existing location standards for dredging and filling to ensure that these modifications are only permitted where necessary for access to water-dependent uses, transportation projects of state-wide significance, environmental mitigation or enhancement, cleanup of contaminated materials, and installation of utilities and bridges.
- Prohibit dredging accessory to residential docks and piers in the CR and UR environments.
- Add clarification on the types of best management practices that are required to address existing standards regarding dredged material containment, turbidity generation, dewatering of dredge materials and identification of contaminated materials.
- Allow dredging and filling for environmental mitigation or enhancement in all shoreline environments.

### **Shoreline Stabilization**

Shoreline stabilization includes actions taken to impede erosion of land at the shoreline. Shoreline erosion is a natural process that provides the building blocks for essential aquatic habitat. Shoreline stabilization impacts property and structures. These actions can include

structural (“hard engineering” or “armoring”) and nonstructural methods (“soft engineering”). “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads or rip rap. “Soft” structural measures rely on softer materials such as vegetation, sand and gravel, and drift logs. Nonstructural methods may also include building setbacks, relocation of structures to be protected, storm water management and other planning or regulatory measures to avoid the need for structural stabilization. Proposed changes include:

- Provide ongoing exemptions for repair and replacement of existing shoreline armoring.
- Provide ongoing exemptions for beach nourishment and bioengineering.
- Revise existing shoreline stabilization standard to allow new or replacement of “hard engineering” only where it is demonstrated that principal structures or uses are threatened. A geotechnical study must demonstrate why softer solutions are not feasible for new or expanded bulkheads and that adjacent properties with soft shorelines will not be harmed by the installation of a new or expanded bulkhead.

## Overwater Structures

Overwater structures include piers (fixed, pile supported structures and floating structures connected to the shoreline) and floats (floating structures that are moored, anchored or otherwise secured in the water and not connected to the shoreline). Floating homes and overwater buildings are also overwater structures and are discussed here in the context of the amount of overwater coverage that is allowed in each shoreline environment. A more in-depth analysis of floating homes and overwater buildings is included in the “Floating Homes” and “Urban Stable/Urban Commercial” sections of this report. Overwater structures typically require permits from local, state and federal agencies.

Proposed changes for commercial/industrials uses include:

- Continue to regulate primarily through submerged lot coverage regulations that are not proposed to change.
- Clarify that new overwater coverage is allowed for the components of water-dependent uses that are necessary to provide access to the water or necessary for use of the water such as piers, floats and loading equipment.
- Require that all principal residential and recreational moorage facilities locate ell and boat moorage areas a minimum of 30 feet waterward from the ordinary high water mark, in saltwater and Lake Washington if reasonable.
- Require that principal residential and recreational moorage facilities locate ell and boat moorage areas 15 feet waterward of the ordinary high water mark, in Lake Union if reasonable.
- Require that commercial moorage locate ell and boat moorage areas 15 feet waterward of the ordinary high water mark where doing so does not interfere with the function of water-dependent and water-related uses. Commercial moorage can be located closer than 15 feet if required for the operation of the water-dependent use.

For residential uses, DPD was encouraged by the Department of Ecology to revise the residential pier standards to meet the US Army Corps of Engineer’s residential pier standards. DPD considered this change; however, there were concerns raised over this approach because the Army Corps of Engineers often modifies their standards on a case by case basis. An alternative to using the Army Corps of Engineers residential pier standards was considered. This alternative included using less prescriptive standards in the SMP regulations for residential piers and relying on the review by the Army Corps of Engineers for the final determination of the configuration of a proposed pier structure. DPD analyzed this alternative, and based on discussions with Ecology, this approach would not meet the state requirements, and DPD believes that this would lead to a less clear permit process for DPD applicants. Therefore, DPD’s proposal is to update the existing regulations for new piers based on the best available science, as follows:

**Table 1. Existing and Proposed Residential Pier Regulations**

	<b>Current Regulations</b>	<b>Proposed Regulations</b>
<b>Length</b>	A pier cannot extend farther than a water depth of 8 feet or the subtended line between two adjacent piers, whichever is greater. Limited to a maximum length of 100 feet, except through a variance.	Minimum distance - 30 feet from the shoreline. Maximum distance - 100 feet from shoreline; except when the depth of water at 100-ft is less than 6-ft in which case the maximum distance is the distance to which the depth of the water is 6-ft deep.
<b>Width</b>	Maximum – 6 feet	Maximum - 4 feet for single resident piers. Maximum - 6 feet for shared piers including multifamily residential development.
<b>Height</b>	A Pier cannot exceed 5 feet in height above ordinary high water.	A Pier cannot exceed 5 feet in height above ordinary high water. The bottom of a pier structure except floats must be at least 1.5 feet above ordinary high water.
<b>Overwater Projection (ells, T or spur pier, angled extension, float or platform)</b>	Overwater projections can be no greater than 100 sq ft per dwelling unit for single family, duplex and triplex development and 100 sq. ft per each two dwelling units for multifamily development of 4 or more.  For shared piers, one overwater projection of 150 square feet is allowed for each dwelling unit.	Overwater projections can be no greater than 100 sq ft per dwelling unit for single family, duplex and triplex development and 100 sq. ft per each two dwelling units for multifamily development of 4 or more.  For shared piers, one overwater projection is allowed for two dwelling units.

	<b>Current Regulations</b>	<b>Proposed Regulations</b>
<b>Boat Lifts</b>	Boat lifts in scale with the pier are allowed	Two boat lifts are allowed for single family residences. For shared piers no more than two boat lifts are allowed per dwelling unit.
<b>Pier Grating</b>	No prescriptive standards exist. 60 % grating is required as part of mitigation requirements.	Piers and ramps must be fully grated with at least 60% light permeability.  Floats must contain the maximum grating feasible.
<b>Materials</b>	No prescriptive standards exist. General mitigation requirement prohibits use of treated wood for pier decks and piling except under unusual circumstances.	No treated wood shall be used for pier decks or piling.
<b>Location of boat moorage and overwater projections</b>	Not specifically regulated	Boat moorage, overwater projections and boat lifts are required to be located in a water depth of 8 feet or greater, with the following exceptions:  Minimum distance - 30 feet from the shoreline Maximum distance - 100 feet from shoreline; except when the depth of water at 100-ft is less than 6-ft in which case the maximum distance is the distance to which the depth of the water is 6-ft deep.

Existing docks may be maintained and repaired, but when a non-conforming dock is replaced or undergoes “substantial improvement,” it is proposed that it must either meet the new standards or reduce the overwater coverage of the dock by 20%. Substantial improvement means maintenance, renovations, repairs or alterations where the cost of the work in any five year period, beginning from the date of this ordinance, equals or exceeds 60% of the market value of the non-conforming portion of the development, prior to undertaking the work.

## VEGETATION AND IMPERVIOUS SURFACE MANAGEMENT

A new section is added to address the state requirement for vegetation management including no net loss of ecological functions. To meet state requirements, DPD has proposed a vegetation and impervious surface management section that includes the vegetation management requirements from the current environmentally critical areas regulations as follows:

- Vegetation protection has been strengthened using the mitigation sequencing that requires first avoidance of adverse impacts to vegetation.
- If vegetation is removed or impervious surface is increased, the function of the vegetation or pervious surface must be replaced to meet the no net loss of ecological function requirement.
- Some activities are exempt: including activities that were approved under prior permits or approvals, removal of hazard trees and restoration that includes removal of vegetation if the action results in improved vegetation conditions.

## **DEVELOPMENT STANDARDS**

Development standards are similar across all shoreline environments and include standards for public access, view corridors and parking. Regulating environmentally critically areas through the SMP and meeting “no net loss” of ecological functions through mitigation are new state requirements. These new regulations are located in the development standards sections of the regulations. Changes to existing development standards and a description of new development standards are proposed as follows:

### **PUBLIC ACCESS AND VIEWS**

Public access to shorelines is one of the three major goals of the SMA. Seattle currently provides public access to shorelines through a combination of parks, trails, bikeways, street ends and easements on private property. Generally, Seattle’s goals for improving public access are to add new public access where the state requires local SMPs to include policies and regulations to protect and enhance both physical and visual access and to provide specific standards for improving public access for water-related, water-enjoyment and non-water-dependent developments. Proposed changes include:

- Expand existing public access requirements to include new water-related uses in the Urban Commercial shoreline environment.
- Include a policy in the Comprehensive Plan to encourage the preparation of Shoreline Public Access Plans, to implement an integrated system of shoreline access throughout the city.
- Develop a public access plan for the Lake Union and Duwamish shoreline areas that will include fee-in-lieu programs to allow off-site public access improvements in the Urban Commercial, Urban Industrial and Urban Maritime shoreline environments.
- Establish new development standards in the Urban Harborfront environment to improve public access over water and promote higher-quality shoreline improvements.
- Implement a new SMA requirement for public access as part of subdivision applications for creation of 4 or more lots. This new provision requires a single public access pathway 10 feet wide or greater as part of new subdivisions.
- Add an administrative process for reviewing public access plans proposed by other public entities.

## **PARKING**

New parking over water is prohibited to meet the intent of state guidelines.

## **ENVIRONMENTALLY CRITICAL AREAS**

The state requires that environmentally critical areas (ECA) be regulated in the SMP regulations; to implement this requirement DPD proposes to incorporate by reference the current ECA regulations with changes to meet the state's requirements. As part of incorporating these regulations, DPD reviewed the best available science (BAS) documents that were relied on in adopting those regulations in 2006 and determined that the scientific and technical information complies with the standards for the SMA as described in WAC 173-26-201(2)(a). Additional scientific and technical information was used including information provided by the Department of Ecology and People for Puget Sound and FutureWise. Wetlands standards were updated to meet new Ecology standards. DPD continues to allow filling Category IV wetlands due to their degraded state, and Category I and II wetlands under 100 square feet because of the small size; however, mitigation sequencing is required and avoiding the adverse impacts from the above actions is required unless it is infeasible to do so.

These proposed changes are as follows:

- The process for evaluating and granting ECA exceptions will be through the Shoreline Variance process; the standards will include the current ECA exception standards.
- Exceptions for development in steep slopes would be limited on feeder bluffs and waterfront parcels, based on the 2005 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 report written by Coastal Geologic Services, Inc
- Small project waivers would no longer be allowed in the shoreline setback area.
- The designated shoreline habitat area and the associated buffers are being removed because these areas are shorelines of the state and the updated SMP regulations provide the same level of protection when comparing buffers and greater protection for freshwater and saltwater priority habitat areas.

## **NO NET LOSS OF ECOLOGICAL FUNCTIONS/SHORELINE MITIGATION**

Mitigation is the process of reducing environmental impacts caused by development. The existing SMP requires that impacts to the shoreline environment be mitigated; therefore, DPD currently requires mitigation for impacts to the shoreline caused by development. The SMA mandates that environmental impacts must be mitigated to ensure "no net loss of ecological function." The "no net loss of ecological function" is a new standard to guide the extent of mitigation. Additionally mitigation sequencing is also a new requirement.

Mitigation sequencing requires that when mitigation is required mitigation measures shall be applied in the following priority sequence:

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

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

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

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

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

To meet the new requirements, DPD reviewed the current SMP and determined that the existing regulations do not provide enough specificity to meet the intent and direction of the new SMP requirements to achieve no net loss of ecological function. Therefore, to meet the requirements the following changes are proposed:

- A new section was added that includes the requirement for all projects to apply mitigation sequencing and includes the requirement for a mitigation and monitoring plan
- Included the types of mitigation actions required for specific impacts in the regulations based on appropriate scientific and technical information to provide baseline mitigation and consistency that will contribute to achieving no net loss of ecological functions.

## **STANDARDS APPLICABLE TO SPECIFIC USES**

Standards for specific uses are similar across all environments and include standards for floating homes, marinas, signs and yacht, boat and beach clubs. New standards are added to the code to address uses that have not been regulated in the past and include standards for vessel moorage and live-aboard vessels. The proposed changes to the existing development standards are described as follows.

### **Over Water Residential Use**

The State's guidelines address overwater residences, including floating homes, and prohibit new floating homes (WAC 173-26-241[3] [j]) and overwater residences.

### **Residential Uses Over Water on Piles**

There are areas of Seattle where the lots are small and single family residences have been constructed overwater on piles. Most of these structures are built part on land and part on piles over water. These existing structures are allowed to be rebuilt to their existing foot print. The height of the structures are allowed to increase to 35-ft if the rebuilt structure results in greater ecological functioning of the shoreline including the replacement of creosote piles with less or non-toxic piles.

## Floating Residential Uses/Floating Homes

The Seattle Comprehensive Plan recognizes the value and importance of the floating home community by stating the need to “preserve the existing floating homes.” To meet the Comprehensive Plan goals, WAC requirements and protect ecological functions, DPD is proposing the following:

- Continue to regulate floating homes as a conforming use.
- Continue to allow the maintenance, repair, replacement and expansion, within development standards, of existing floating homes.
- Consolidate existing floating home regulations into one standard. The intent of this policy is to simplify these standards, which currently require historical research to implement, and to combine the standards in a manner that maintains standards for “conforming” homes and prevents increasing non-conformity of non-conforming homes.
- Prohibit the construction of new floating homes.
- Prohibit new floating home basements.

## House Barges

House barges were new to the City in the late 1980s. In 1990 the City defined a house barge as a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability, prohibited new house barges and required that all existing house barges be registered. The regulations also required that original house barge registrations were effective for 3 years and at the end of this period all wastewater (including gray water) was required to be conveyed to an approved disposal facility. Black water (sewage) was prohibited from being discharged from house barges with the 1990 regulations. DPD continues to prohibit new house barges to meet the WAC requirements regarding prohibiting overwater residences.

## Using Vessels as Dwelling Units

The existing SMP regulates uses on vessels but does not address using vessels as dwelling units, creating confusion as to whether using a vessel as a dwelling unit is prohibited (it is not). The state requires that the impacts to the shoreline by using vessels as dwelling units be addressed; therefore, DPD has proposed standards for moorages that allow this use and proposes the following standards to meet State requirements:

- When a site provides moorage for live-aboards the following facilities are required:
  - Shower facilities
  - Bathroom facilities
  - The requirement that the owner of a live-aboard vessel demonstrate the appropriate handling of black water through the use of a pump-out facility or a pump-out service.
- Best management practices apply to all vessels, which are required to minimize the impacts to water quality caused by live-aboard use of a vessel.
- Further define vessels that are allowed to be used as a dwelling unit in the regulations.

## Vessel Moorage

To meet the WAC requirements and protect ecological functions, DPD is proposing that the owners of vessels use Best Management Practices to keep pollutants out of the water.

## NON-CONFORMING USES & STRUCTURES

A non-conforming use is a pre-existing use on a property that, while it was legal at the time it was established or constructed, is not allowed under current regulations. One example is an industrial use in a residential environment. A non-conforming structure is a pre-existing structure that was constructed in conformance with standards when it was built but is non-conforming with specific current development standards such as height, lot coverage, setback or parking. A property may be non-conforming to use standards, structure development standards or both. A use or structure created in violation of existing regulations at the time it was created is illegal and a violation and does not have the same rights as legal non-conforming uses. For the purposes of this section, the discussion is limited to legal non-conforming use and structures. Proposed changes include:

- For areas outside of shoreline setbacks, allow more flexibility by making the current non-conforming language more consistent with the regulations in the Land Use code.
- For areas in the shoreline setback
  - In the Urban shoreline environments allow structures to be replaced in the shoreline setback but do not allow expansion of these structures.
  - Require mitigation for replaced structures in the shoreline setback because these uses are allowed to be replaced in a required setback.
- For areas over-water:
  - In the Urban Commercial and Urban Maritime shoreline environment on small lots allow uses that are water-dependent and water related overwater and allow some uses that are not water oriented overwater when a water-dependent use is also operated at the site and a significant public benefit with respect to restoration goals of the Shoreline Management Act is provided as required by WAC 173-26-241.
  - Require ecological restoration for non-water oriented uses allowed to be built over water to meet the requirement of WAC 173-26-241(3)(d)(i) and (f)(i).

## SHORELINE ENFORCEMENT

Chapter 23.91 was amended to allow City Shoreline Inspectors to issue citations for actions that pose an immediate threat to health and/or ecological functions in the Shoreline District or in cases where the required public access is closed. The following amendments were made to Chapter 23.91 of the Seattle Municipal Code:

- A. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water
  - B. Releasing debris and other waste materials from construction into any water body;
  - C. Conducting activity that is not allowed in or over water outside the work windows;
- and
- D. Closing required public access.

## **RESTORATION AND ENHANCEMENT PLAN**

The purpose of the Restoration and Enhancement Plan is to meet the requirement of WAC 173-26-186(8)(c), in which master programs are required to include goals, policies and actions for restoration of impaired shoreline ecological functions. The implementation of the plan is non-regulatory and should achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The implementation of the plan relies on the restoration work of many parties including Watershed Resource Inventory Areas 8 and 9, People for Puget Sound and other non-government organizations, the Port of Seattle, the University of Washington and the City of Seattle.,

The Restoration and Enhancement Plan identifies applicable restoration actions of degraded shoreline areas and impaired ecological functions and identifies current and ongoing restoration activities that are being carried out by public and private sectors that are leading to an increase in shoreline ecological functions. Additionally the Plan identifies strategies to ensure that restoration projects will be implemented and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

## **COUNCIL AND DEPARTMENT OF ECOLOGY ADOPTION PROCESS**

The Mayor will submit legislation to amend the SMP, Chapter 23.60, of the Seattle Municipal Code, to City Council at the completion of the SEPA process. The expected date is August 2012. City Council will provide additional opportunities for public participation and will review and adopt the legislation.

After City Council enacts the new SMP, DPD will submit the SMP to Ecology for final review and approval. Ecology will review the SMP for consistency with WAC 173-26 and the SMA. If Ecology determines that Seattle's SMP is consistent with WAC 173-26, the SMP will become effective. If Ecology determines that Seattle's SMP is inconsistent with WAC 173-26 or the SMA, Ecology will require changes to the SMP and these changes will need to be approved by City Council before the final document is approved by Ecology and the SMP regulations become effective.

## **CONCLUSION**

The SMP consists 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. These encompass complicated requirements that govern the most sensitive, fragile and valuable areas of Seattle. The Shoreline District is valuable for economically productive industrial, commercial, recreational and navigational uses, residential amenity, scientific research, education and for providing habitat for terrestrial and aquatic species. Shorelines are sensitive and fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (landslides, storms, floods) and human conduct (industrial, commercial, residential, recreation, navigational).

The policy goals of the Shoreline Management Act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources. The process of updating Seattle's SMP included the use of scientific and technical information to determine the appropriate measures to protect existing ecological functions and the participation of Seattle residents and business owners and operators that have an interest in achieving the goals of the SMA. Through this update process balancing the need for ecological protection while encouraging and providing use of the shorelines by water-dependent businesses and for public access is 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.

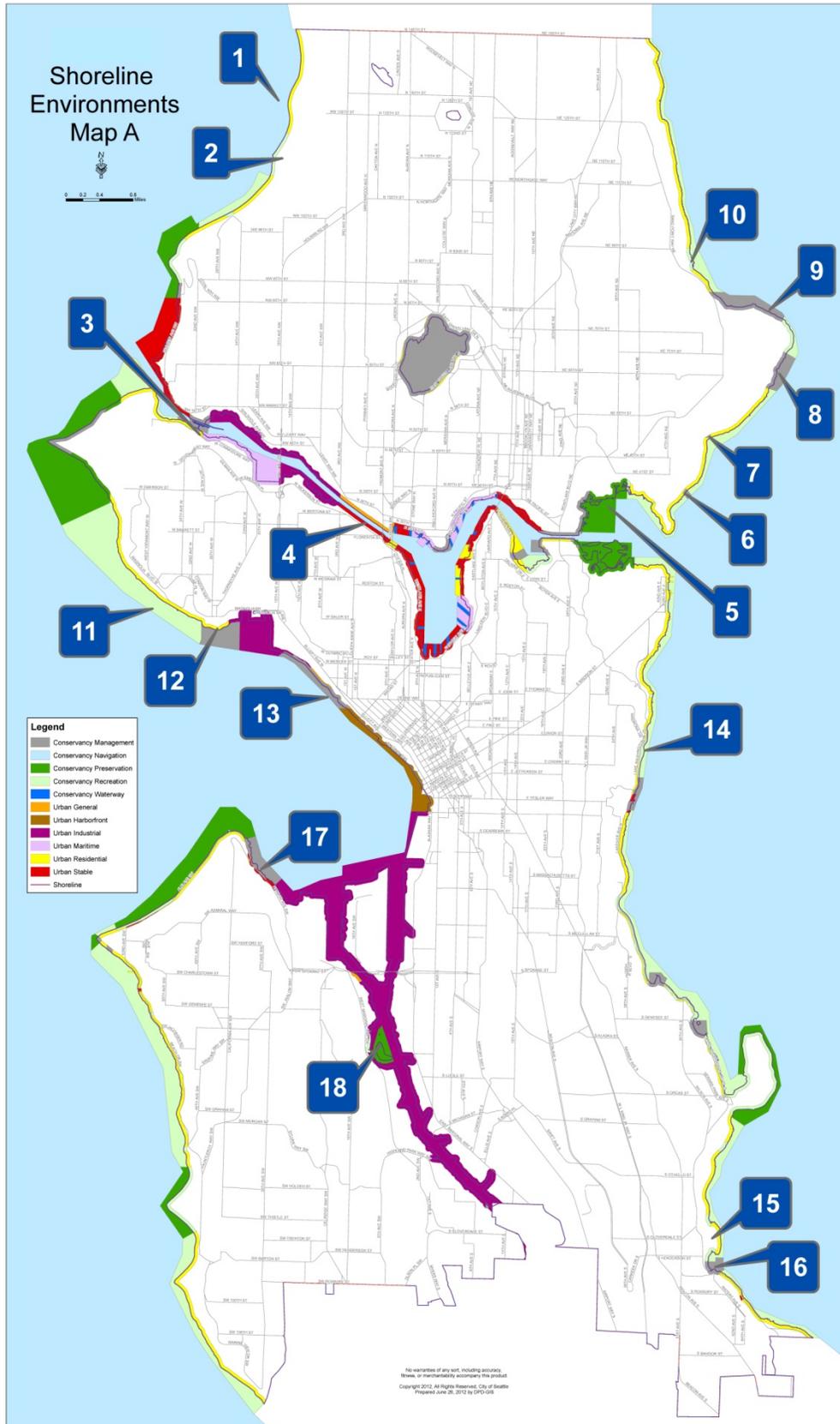
## **APPENDIX A**

**Table 1. Shoreline Master Program Public Meetings 2007 – 2012**

<b>Group</b>	<b>Date</b>	<b>Purpose</b>
General public	November 7, 2007	Open House - to inform the public that DPD was beginning the SMP update process and to provide background information on the existing SMP and Ecology's requirements for the SMP update, as well as to inform the public of the process for the SMP update
General public	Seven meetings were held between March 6 and March 25, 2008	Visioning Meetings – to develop the vision of the future of Seattle's shorelines. See subsection B.3 for additional details.
General public	March 8, 2011	Open House and presentation for the release of the 1 <sup>st</sup> draft of the proposed regulations.
Citizen Advisory Committee and the general public	Eleven meetings were held between May 2008 and June 2009 and one meeting was held in March 2011	CAC Meetings – to discuss major issues with shoreline stakeholders. See subsection B.4 for additional information
League of Women's Voters	November, 2008.	To provide general information on the SMP and ECA regulations.
Seattle Rotary Club	April 7, 2011	Overview of SMP update
Seattle Chamber of Commerce	November 15, 2011	Overview of SMP update
Seattle Community Council Federation	February 24, 2011	Overview of SMP update
Urban Forestry Commission	July 2010	Overview of SMP update
Seattle Planning Commission	June 3, 2008 and June 9, 2011	Overview of SMP update
Piper's Creek Watershed Group	July 2009	Shoreline Characterization Report
Restore our Waters Citizen Advisory Committee	July 2009	Shoreline Characterization Report
Ballard District Council	March 9, 2011	Overview of SMP update
Port of Seattle	Five meetings were held between May 2011 and April 2012	

<b>Group</b>	<b>Date</b>	<b>Purpose</b>
North Seattle Industrial Association	Nine meetings were held between February 2009, and February 2012.	To provide information regarding the SMP update at certain milestones, including the release of the Shoreline Characterization report and completion of the CAC meetings and CAC report, release of the 1 <sup>st</sup> draft, pre-release of the 2 <sup>nd</sup> draft and release of the second draft and prior to SEPA.
Lake Union Association	Four meetings were held between March, 2009 and March 2012.	To provide specific information regarding proposed regulations in the Shoreline District in the Lake Union area.
Citizen Advisory Committee and the general public	September 6, 2008.	Boat Tour - to bring CAC members and other interested members of the public onto the water to discuss shoreline issues in the context of the existing shoreline environment. See subsection B.5 for additional information.
Live-aboard Associations, Washington, Shilshole and Lake Union	March 23, 2011 and April 28, 2011	Discuss live-aboard regulations and gray water issues.
Lake Union Live-aboard Association	January 9, 2012	Discuss live-aboard regulations and gray water issues.
Floating Home Association	Five meetings were held between December 2008 and March 2011	Discuss floating home regulations.
Darryl Vange	Three meetings were held between March 2011 and December 2011	Discuss regulations for the Conservancy Management shoreline environment
Gail Chiarello	March 2011	Discuss regulations for the Conservancy Management shoreline environment
People for Puget Sound and FutureWise	February 16, 2012	Discuss 2 <sup>nd</sup> draft of the proposed regulations
Friends of Street Ends	Three meetings were held between October 2011 and February 2012	Shoreline Characterization, Shoreline Restoration Plan
Leschi Improvement Council	May 4, 2011	Overview of SMP update

## **APPENDIX B**



## **APPENDIX C**

## Use Table Caveats

February 2011

**The following numbers correspond with the numbers located in Tables 2 through 12 and explain additional conditions required of the corresponding use.**

1. WD
2. WDWR
3. non-WD
4. non-WDWR

7. Necessary to service lots in the Shoreline District

8. If no reasonable alternative location exists;

9. 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,

10. New dwellings may be allowed 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;

11. 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.

12. 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.

13. if Necessary to service lots in the Shoreline District and no reasonable alternative location exists;

15. If following criteria are satisfied: 1. The use 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 use 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 use and flight paths of helicopters can be buffered from the surrounding area; 4. Open areas and landing pads shall be hardsurfaced; and 5. The use meets all federal requirements including those for safety, glide angles and approach lanes.

16 Regulations on water incentive (see 23.60.666)

17. These non-water-dependent uses shall only be permitted on the dry land portions of waterfront lots when a water-dependent use occupies forty (40) percent (50% percent for proposed regulations) 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, which 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 which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director. Offices in the Lake Union using this provision shall be limited to those that are 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.

18. Only when non-water-dependent uses located over water on lots with a depth of less than 50 feet (35 feet proposed) of dry land. Eating and drink establishment must also meet the following requirements: a water-dependent use occupies forty (40) percent (50% percent for proposed regulations) 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, which 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 which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director.

21. The following non-water-dependent uses associated with a recreational marina may be permitted when meeting the following criteria in subsection: a. 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;

22. The following non-water-dependent uses may be permitted on an historic ship when a. 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 (1/2) mile of the proposed site;

23. The following Non-water-dependent uses associated with a public park may be permitted when meeting the following criteria: a. The use is associated with a public park; b. The use is located on a lot which 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. Subsections a, b and c of this number 23 are not required in the existing CR environment and are not proposed to be required in any shoreline environment in the new regulations.

24. The following non-water-dependent uses are allowed and may be relocated on a lot when meeting the following criteria: a. The total of non-water-dependent uses occupy no more than 10 percent (20 proposed) of the dry-land portion of the lot; and b. The non-water-dependent uses are located to accommodate any water-dependent or water-related uses on the lot.

25. In the Duwamish Manufacturing/Industrial Center only

26. In the Ballard Interbay Northend Manufacturing/Industrial Center only

28. When located above wharf level,

29. At street level

30. See existing 23.60.196 and 23.60.600.A.4

31. Outside the Lake Union area

33. For historic ships only

35. Yacht, boat, and beach clubs which do not have eating and drinking establishments and recreational marinas when: 1. a. 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.

37. Existing uses

38. New facilities or uses only

42. Maritime museums only

48. 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;

49. 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 C 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.

50. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation on dry land

56 – Moorage shall be limited to hourly use

if accessory to an abutting conforming use and is limited to seven days for major and minor vessel repair that will occur on the abutting property and 24 hours for all other abutting uses  
Check to see if this is correct for all #56.

57 – 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.

59 – Adult motion picture theaters and panoramas

60 – Residential use in UC

E. Existing artist studio/dwellings, multifamily structures, and single-family dwelling units are allowed provided there is no increase in the number of units.

62- Eating and drinking establishments, entertainment uses, office uses, and institutional uses are prohibited, except these uses are allowed in existing buildings within designated historic districts as a shoreline conditional use if other uses allowed or allowed as special uses are not practical, because of building design or because such uses cannot provide adequate financial support necessary to sustain the building in a reasonably good physical condition.

64. Scientific, historic, cultural and educational aquatic research uses are allowed in all environments waterward of the OHW and in wetlands or in setback if no structures are erected, no interference with navigation occurs, no vegetation is permanently removed, and no impervious surface is created.

66. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed; bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

67. Bridges containing railroads and streets are prohibited. Tunnels are allowed. Rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed if located in a tunnel or on an existing bridge structure, or if no other feasible option exists. Other rail transit facilities located in a tunnel or on an existing bridge structure, or if no other feasible option exists are allowed as a conditional use.

68. 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.

- 70.
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 principle use on the lot;
    - b. The lot on which the dwelling unit is to be located:
      - 1) Is a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977, by deed, contract of sale, mortgage, platting, property tax segregation or building permit; and
      - 2) Has a lot area that is less than 1,200 square feet of dry-land and a dry-land lot depth that is less than 30 feet but at least 15 feet as calculated pursuant to Section 23.60.956; 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.

71. Bridges for pedestrians that provide public access across the waterway if they connect parts of a public park.

72. Allowed in existing structures as a shoreline conditional use if the lot depth is less than 35 feet measured from OHW mark to the landward lot line and fourteen habitat units per square foot of gross floor area of a new use are provided within the same Geographic Area as the proposed project.

74. Principal 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.

75. The following uses are prohibited on submerged land, except they are allowed on existing pier structures at existing terminals if water-dependent, water-related or an accessory office as provided below and the uses are sited to accommodate water-dependent or water-related uses on site:

1. Cargo terminal;
2. Passenger terminal;
3. Food processing and craft work use;
4. Light manufacturing;
5. Warehouse Storage; and
6. Accessory offices less than 1000 square feet for water-dependent uses allowed, or allowed as a special use or a shoreline conditional use provided in Section 23.60.482.

77. If the storage is for non-motorized boats otherwise prohibited.

78. Except mortuaries.

79. Uses connected to a major institution and permitted by an approved master plan, otherwise prohibited.

80. 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 are otherwise prohibited.

82. 1. The following uses are prohibited on waterfront lots except they are allowed if water-dependent, water-related or water enjoyment, or if the requirements of subsections 2, 3, 4, and 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 Lake Union and in a structure that complies with the standards in subsections 6 and 7.
  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 and/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 above that are not water oriented shall be in a development that includes a water-dependent use that occupies 50% or more of the dry land portion 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-dependent or water-related on a waterfront lot:
- a. Enhanced public access is provided that:
    - 1) Occupies at least 1/3 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 sites and any nearby public parks or other public facilities; or
  - b. Ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided within the same Geographic Area as the proposed project; or
  - c. Where enhanced public access cannot be provided due to lot size and configuration or incompatibility with water-dependent uses, the Director may approve one or more of the following facilities or amenities as an alternative to subsection 4.a. or b if the Director determines they would provide a similar amount of public access:
    - 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;
    - 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; or
    - 5) Other facilities or amenities similar to those listed above that provide an opportunity for substantial numbers of people to enjoy the shoreline.
5. In measuring the size of a regulated public access site, vegetated areas within 35 feet of the OHW mark may be included.
6. If a use is allowed on waterfront lots only above the lowest floor level of the structure:

- a. No more than 50 percent of the lowest floor level of the structure shall be occupied by required parking for uses in the building; and
  - b. 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 outdoor uses on the waterside of the development.
7. Calculation of lowest floor level. The lowest floor level shall be that level of a structure having the closest floor level to the OHW. For a sloping lot, the Director shall determine what constitutes the lowest floor level, taking into consideration the purpose of subsection 6.b.

83. New floating homes and floating home moorages are prohibited except as allowed under Section 23.60.202.. Uses accessory to floating homes, including storage, are allowed on waterfront lots if located 35 feet or more waterward from the OHW mark.

- 84.
1. Existing artist studio/dwellings, multifamily structures, and single-family dwelling units located on dry land are allowed on waterfront lots provided 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 may 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-ft 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 on waterfront lots are allowed as a shoreline conditional use if:
    - a. The use is not located near uses that are may be incompatible with residential use because of factors such as noise or air and water pollutants;
    - b. The use is located above lowest floor level of a structure containing nonresidential uses at the lowest floor level, as calculated in subsection 23.60.382.D, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located at the lowest floor level;
    - c. The use is on a lot developed with or on a lot abutting another lot developed with a residential use on waterfront lots 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.
5. If a use is allowed on waterfront lots only above the lowest floor level of the structure:
- a. No more than 50 percent of the lowest floor level of the structure shall be occupied by required parking for uses in the building; and
  - b. 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 outdoor uses on the waterside of the development.
6. Calculation of lowest floor level. The lowest floor level shall be that level of a structure having the closest floor level to the OHW. For a sloping lot, the Director shall determine what constitutes the lowest floor level, taking into consideration the purpose of subsection 23.60.382.E.1.b.
85. 1. The following uses are allowed on the dry land portion of waterfront lots if the standards in 2, below are met:
- a. Eating and drinking establishments;
  - b. Entertainment uses (except adult motion picture theaters and panorams),
  - c. Parks and open space uses;
  - d. Custom and craft work;
  - e. Museums; and
  - f. Sales and services, general.
2. The uses in subsection 1 are prohibited overwater, except on existing and replaced structures as a shoreline conditional use if:
- a. The lot depth is less than 35 feet measured from OHW mark to the landward lot line;
  - b. An unenclosed water enjoyment use is provided in the area between the building and 15 feet from the seaward end of the pier;
  - c. All waste and recycling containers are located minimum of 10 feet from the edge of any side of the pier and is located in an enclosed area; and
  - d. If the use is not water-oriented the use is part of a mixed use project that includes a water-dependent use and ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided in the same Geographic Area as the proposed project.
3. Adult motion picture theaters and panorams are prohibited.
86. Commercial Uses on Historic Ships.
1. The following uses are allowed as a shoreline conditional use on an historic ship on waterfront lots if meeting the criteria in subsection 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 that includes uses listed in subsection 1 must comply with the following conditions in addition to the conditions for shoreline conditional uses:
  - 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 and/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 and/or construction of the ship without significant alteration;
  - d. A certificate of approval has been obtained from the City of Seattle Landmarks Preservation Board; and
  - 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. Ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided in the same Geographic Area as the proposed project.

87. The following uses are permitted overwater if accessory to the public passenger terminal at Colman Dock, provided that the amount of over water coverage is not increased and the uses contribute to an active pedestrian environment along the landward edge of the pier and if the use is not water-oriented the use is part of a mixed use project that includes a water-dependent use and ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided in the same Geographic Area as the proposed project:

1. Eating and drinking establishments;
2. Entertainment uses, except adult motion picture theaters and panorams;
3. Parks and open space uses,
4. Custom and craft work;
5. Museums; and
6. Sales and services, general.

88. Colleges, institutes for advanced studies, museums, major institutions, and vocational or fine art schools on waterfront lots are:

1. Allowed if they are water-dependent or water-related; or
2. Allowed as a shoreline conditional use if they are not water-dependent or water-related and if they are not water-oriented shall also provide ecological restoration equal to the square footage of gross floor area of the use is provided in the same Geographic Area as the proposed project.

89. Parks and Open space uses are allowed on submerged lands on existing structure or on new structures pursuant to 10b of Table A for Section 23.60.172.

90. Outdoor storage is allowed as a temporary use if staging for construction.

91. Outdoor storage and warehouses are allowed as a shoreline conditional use if they are water-dependent or water-related and are prohibited if not water-dependent or water-related or temporary staging for construction.

92. A. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 2 through 7; otherwise, these uses are prohibited:

Eating and drinking establishments, limited to 2,500 square feet in size;  
Food processing and craft work, limited to material suppliers and repair  
services;

Sales and services, general; limited to grocery suppliers and hardware  
stores;

Sales and services, heavy; limited to material suppliers, repair services,  
fuel suppliers and crane operators;

Storage uses, limited to cold storage; and

Manufacturing, limited to material suppliers and repair services.

Required to:

1. Provide a service used by a water-dependent or water-related use  
located in the same area; and

2. The total area of the uses allowed in 92A, B and C1 are limited to an  
area equal to no more than 20 percent of the dry land area of the lot.

B The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 2 through 7; otherwise, these uses are prohibited:

Food processing and craft work

Laboratories, research and development;

Offices; limited to offices uses that facilitate water-dependent and water-related  
uses, such as yacht brokers, finance and insurance, government agencies;

Sales and service, heavy; limited to heavy commercial sales, construction  
services, and building maintenance services. Commercial laundry is prohibited;

Storage uses; and

f. Manufacturing, except the heavy manufacturing use extraction and mining of  
raw materials, which are prohibited.

- 1 The uses are located on site to prevent conflicts with water-dependent or water-related uses on site.
2. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.
3. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.
4. If the site contains a structure meeting the standards of subsection 2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use.
5. If the use is not water oriented, it is
  - a. part of a mixed-use development that includes a water-dependent use; and

- b. ecological restoration in an amount equal in square footage to the gross floor area of the non-water-oriented use is provided in the same Geographic Area as the proposed project.
- 6. The total area of the uses allowed in 92A, B and C1 are limited to an area equal to no more than 20 percent of the dry land area of the lot.

C. 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 20 percent dry lot area requirement.

2. Entertainment uses are allowed as a shoreline conditional use in existing buildings at passenger terminals for cruise ships if:

- a. The use does not increase conflict with water-dependent and water-related uses on the site beyond that created by the passenger terminal use;
- b. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided within the same Geographic Area as the proposed project; and
- c. The entertainment use does not include adult cabaret, adult motion picture theaters and adult panorams.

3. All other entertainment uses are prohibited.

93. Yacht boat and beach clubs are allowed as a conditional use and recreational marinas are allowed as a conditional use in the Duwamish and are allowed in the Ship Canal and Lake Union if:

- 1. There is no eating and drinking establishment;
- 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 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. 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.

94. Existing warehouse uses that are not water-dependent or water-related are allowed is provided they do not expand. New or expansion of warehouse uses that are not water-dependent or water-related are prohibited.

95. 1. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 2 through 8 are met; otherwise, these uses are prohibited:
- a. Entertainment uses, indoor participant sports;
  - b. Food processing and craft work;
  - c. Offices;
  - d. Laboratories, research and development;
  - e. Sales and services, general;
  - f. Sales and services, heavy;
  - g. Storage uses; and
  - h. Manufacturing, except the heavy manufacturing use extraction and mining of raw materials.
2. The total of the allowed commercial, storage and manufacturing uses that are not water-dependent or water-related occupy and area equal to no more than 20 percent of the dry land area of the lot.
  3. Commercial uses that are not water-dependent or water-related occupy no more than an area equal to 10 percent of the dry-land area of the lot, except that if the lot provides more than 9,000 linear feet of moorage for commercial vessels, the commercial uses that are not water-dependent or water-related may occupy an area equal to up to 20 percent of the dry-land area of the lot;
  4. The uses are located on site to prevent conflicts with water-dependent or water-related uses on site.
  5. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.
  6. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.
  7. 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 23.60.506.B.2.
  8. If the use is not water oriented, it is
    - a. part of a mixed-use development that includes a water-dependent use; and
    - b. ecological restoration in an amount equal in square footage to the gross floor area of the non-water-oriented use is provided in the same Geographic Area as the proposed project.

96. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed.

97. Bridges containing other rail transit facilities, railroads or streets are allowed as a special use.

98. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed; bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

99. Bridges containing railroads and streets are prohibited. Tunnels are allowed.

100. Rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed if located in a tunnel or on an existing bridge structure, or if no other feasible option exists. Other rail transit facilities located in a tunnel or on an existing bridge structure, or if no other feasible option exists are allowed as a conditional use.

101. Eating and drinking establishments and general sales and services are prohibited, except 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 complimentary to allowed recreation activities or directly support the general public's use of park, park amenities and shoreline recreation, are allowed as a shoreline conditional uses 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 and/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; and
  - e. No other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site; 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; and
  - c. 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.

102.

1. Eating and drinking establishments, general retail sales and services and food processing and craft work are prohibited, except as provided in subsections 2 and 3.
2. The following uses are allowed if they comply with subsection 23.60.224.C.3:
  - a. Eating and drinking establishments limited 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 complimentary 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.
3. The uses in subsection 2 are allowed in existing buildings within designated historic districts if:
  - a. The use is water dependent, water related or water enjoyment; or
  - b. The use is not water-oriented, a water-dependent use is operated in the building and ecological restoration occurs within the Shoreline District within 1 mile of the site equal to the area of the proposed non-water-oriented uses.

103. 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 is operated in the building and ecological restoration occurs within the Shoreline District within 1 mile of the site equal to the area of the proposed use.

104. Sale or rental of small boats, boat parts and accessories, sale and rental of large boats, and dry boat storage are allowed in existing buildings within designated historic districts if the following conditions are met:

1. Shoreline restoration that removes impervious surface and plants native vegetation is provided in an area equal to any outdoor storage and any increase in impervious surface;
2. Outdoor storage of boats is located to minimize interference with the public's use of the shoreline.

**Urban Shoreline Environment Tables Indicating Changes to Uses**

**Table 2. Proposed changes to uses allowed in the Urban Commercial (former Urban Stable) Shoreline Environment.**

<b>Uses UC</b>	<b>Existing Waterfront</b>	<b>Proposed Waterfront</b>	<b>Existing Upland</b>	<b>Proposed Upland</b>
<b>A. AGRICULTURAL</b>	-	-	-	-
A.1. Aquaculture	A	CU	A	A
A.2 Community gardens	n/a	A	n/a	A
<b>B. CEMETERIES</b>	n/a	X	n/a	X
<b>C. COMMERCIAL</b>	-	-	-	-
C.2. Eating and drinking establishments	A 17, CU 18, CU 22	A 82	A	A
C.3. Entertainment uses	A 17, CU 18	A 82	A	A
C.4. Food processing and craft work uses.	-	-	-	-
C.4.a. Food processing	A 2, X 4	A 82	A 2, X 4	A
C.4.b. Custom and craft work	A 17, CU 18	A 82	A	A
C.10. Sales and services, general	A 17, CU 18, CU 22	A 82	A	A
C.11. Sales and service uses, heavy	-	-	-	-
C.11.c. Retail sales, major durables	A 17, CU 22	X	A	A
C.12. Sales and services, marine	-	-	-	-
C.12.a. Marine service station	A, CU 18	A	A	A
C.12.b. Sale or rental of large boats,	A, CU 18	A	A	A
C.12.c. Sale or rental of small boats, boat parts, or accessories	A, CU 18, CU 22	A	A	A
C.12.d. Vessel repair, major	A, CU 18	A	A	A
C.12.e. Vessel repair, minor	A, CU 18	A	A	A
<b>E. INSTITUTIONAL USES</b>	-	-	-	-
E.1. Adult care centers	A 2, X 4	X	A	A
E.2. Child care centers	A 2, X 4	X	A	A
E.4. Community Center or Club	-	-	-	-
E.5. Family support center	A 2, X 4	X	A	A
E.6. Hospitals	A 2, X 4	X	A	A
E.8. Library	A 2, X 4	X	A	A
E.11. Religious facilities	A 2, X 4	X	A	A
E.12. Schools, elementary or secondary	A 2, X 4	X	A	A
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	X
<b>K. RESIDENTIAL USES</b>	X 38	-	-	-
K.1. Accessory Dwelling Unit	A 9	X	A 9	A
K.2. Adult Family Homes	A 9	X	A 9	A
K.3. Artist studio/dwelling	A 9, CU 10	A 84, CU 84	A 9	A

Uses UC	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
K.4. Assisted Living Facilities	A 9	X	A 9	X
K.5. Caretaker Quarters	A 9	X	A 9	A
K.6. Congregate residences	A 9	X	A	A
K.7. Detached Accessory Dwelling Unit	A 9	X	A 9	X
K.8. Domestic Violence Shelter	n/a	X	n/a	X
K.9. Floating home moorage	CU	A 83	n/a	n/a
K.10. Mobile Park Home	A 9	X	A 9	X
K.11. Multifamily residences	A 9, CU 10	A 84, CU 84	A	A
K.12. Nursing homes	A 9	X	A	A
K.13. Single-family dwelling units	A 9, CU 10	A 84, CU 84	A	A
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A

Table 2 Key

- A = Allowed
- A(U) = Allowed on upland lots only
- CU = Conditional Use
- CCU = Council Conditional Use
- SU = Special Use
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only

**Table 3. Proposed changes to uses allowed in the Urban General Shoreline Environment.**

Uses UG	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>A. AGRICULTURAL</b>	-	-	-	-
A.1. Animal husbandry	X	X	X	A
A.2. Aquaculture	A	CU	A	CU
A.3. Community gardens	n/a	A	n/a	A
A.3. Horticulture	X	X	X	A
<b>B. CEMETERIES</b>	n/a	X	n/a	X
<b>C. COMMERCIAL</b>	-	-	-	-
C.7. Medical services	A 78	A	A	A
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	X
<b>K. RESIDENTIAL USES</b>	-	-	-	-
K.1. Accessory Dwelling Unit	A 37, X	X	A 37, X	X
K.3. Artist studio/dwelling	CU	A 37	SU	A 37
K.11. Multifamily residences	A 37, X	X	A 37, X	X
K.13. Single-family dwelling units	A 37, X	A 37	A 37, X	A 37
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A
<b>N. TRANSPORTATION FACILITY USES</b>	-	-	-	-
N.3. Moorage	-	-	-	-
N.3.a. Boat moorage	n/a	A	n/a	A
N.3.b. Dry boat storage	n/a	A	n/a	A

Uses UG	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
N.8. Transportation Facilities, Air	-	-	-	-
N.10. Tugboat services	n/a	A	n/a	A
<b>O. UTILITY USES</b>	-	-	-	-
O.4. Recycling	X	A 2, X 4	X	A 2, X 4

Table 3 Key

A = Allowed  
 A(U) = Allowed on upland lots only  
 CU = Conditional Use  
 CCU = Council Conditional Use  
 SU = Special Use  
 WD = Water-dependent uses only  
 WDWR = Water-dependent or water-related uses only

**Table 4. Proposed changes to uses allowed in the Urban Harborfront Shoreline Environment.**

Uses UH	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>A. AGRICULTURAL</b>	-	-	-	-
A.2. Aquaculture	A	CU	A	CU
A.3. Community gardens	n/a	A	n/a	A
<b>B. CEMETERIES</b>	n/a	X	n/a	X
<b>C. COMMERCIAL</b>	-	-	-	-
C.1. Animal shelters and kennels	X	X	X	A
C.2. Eating and drinking establishments	A, CU 22	A 85, CU 86, A 87	A	A
C.3. Entertainment uses	A, X 59	A 85, A 87	A, X 59	A, X 59
C.4. Food processing and craft work uses	-	-	-	-
C.4.b. Custom and craft work	A	A 85, A 87	A	A
C.5. Laboratories, research and development	A 1, CU 3	A 1	A 1, CU 3	A
C.10. Sales and services, general	A, CU 22	A 85, CU 86, A 87	A	A
C.11. Sales and service uses, heavy	-	-	-	-
C.11.c. Retail sales, major durables	CU 22	X	A	A
C.12. Sales and services, marine	-	-	-	-
C.12.a. Marine service station	A	X	A	X
C.12.b. Sale or rental of large boats,	A	A	A	A
C.12.d. Vessel repair, major	A	X	A	X
C.12.e. Vessel repair, minor	A	A 80	A	X
<b>E. INSTITUTIONAL USES</b>	-	-	-	-
E.1. Adult care centers	n/a	X	A	A
E.2. Child care centers	A 28, X 29	A 28	A	A
E.8. Library	n/a	X	A	A
E.9. Museum	A 42, CU	A 88, CU 88	A	A
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	A

Uses UH	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>H. PARKS AND OPEN SPACE USES</b>	-	-	-	-
H.1 General	X	A 87, A 89	n/a	A
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A
<b>M. STORAGE USES</b>	-	-	-	-
M.3. Warehouses	CU 2	A 90, A 91	A	CU 2
<b>N. TRANSPORTATION FACILITY USES</b>				
N.3. Moorage	-	-	-	-
N.3.b. Dry boat storage	A	A 77	A	A 77
N.5. Parking, principal use	X	X	A	A 74
N.8. Transportation Facilities, Air	-	-	-	-
N.8.d. Helistops	CCU 15	X	CCU 15	X
N.9. Vehicle storage and maintenance	-	-	-	-
N.9.e. Transportation services, personal	X	X	A	X
<b>P. UTILITY LINES</b>	SU	SU	SU	A
<b>Water Dependent Incentives</b>	CCU 16	CCU 16	CCU 16	CCU 16

Table 4 Key

- A = Allowed
- A(U) = Allowed on upland lots only
- CU = Conditional Use
- CCU = Council Conditional Use
- SU = Special Use
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only

**Table 5. Proposed changes to uses allowed in the Urban Industrial Shoreline Environment.**

Uses UI	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>A. AGRICULTURAL</b>	-	-	-	-
A.2. Aquaculture	A	CU	A	CU
<b>B. CEMETERIES</b>	n/a	X	n/a	X
<b>C. COMMERCIAL</b>	-	-	-	-
C.2 Eating and drinking establishments uses	CU24	92B		
C.3 Entertainment uses	X	92C		
C.4. Food processing and craft work uses.	A 2, CU 24	92A and B	A	A
C.5. Laboratories, research and development	A	WD/WR and 92B	A	A
C.6. Offices	CU24	92B		
C.10. Sales and services, general	CU 24	X	A	A

<b>Uses UI</b>	<b>Existing Waterfront</b>	<b>Proposed Waterfront</b>	<b>Existing Upland</b>	<b>Proposed Upland</b>
C.11. Sales and service uses, heavy	-	-	-	-
C.11.a. Commercial sales, heavy	CU 24	92A and B	A	A
C.11.b. Commercial services, heavy	X	-	-	-
C.11.b.2 Construction services	X	92A and B	A	A
C.11.b.3 Building maintenance services	X	92 A and B	A	A
C.11.c. Retail sales, major durables	X	92 A and B	A	A
C.11.d. Retail sales and services, non-household	X	92 A and B	A	A
C.11.e. Wholesale showroom	A	A2	A	A
C.12. Sales and services, marine	-	-	-	-
C.12.c. Sale or rental of small boats, boat parts, or accessories	CU 24	WD/WR	A	A
<b>E. INSTITUTIONAL USES</b>	-	-	-	-
E.4. Community Center or Club	-	-	-	-
E.4.a. Community yacht, boat & beach clubs	CU 35	CU 93	CU 35	X
E.10. Private Club	-	-	-	-
E.10.a. Private yacht, boat & beach clubs	CU 35	CU 93	CU 35	X
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	X
<b>G. MANUFACTURING USES</b>	-	-	-	-
G.1. Light manufacturing	A 2, CU 24	92A and B	A 2, CU 24	A
G.2. General manufacturing	A 2, CU 24	92A and B	A 2, CU 24	A
G.3. Heavy manufacturing	A 2, CU 24	92A and B	A 2, CU 24	SU
<b>K. RESIDENTIAL USES</b>	-	-	-	-
K.1. Accessory Dwelling Unit	A 37, X	X	A 37, X	X
K.2. Adult Family Homes	X	X	X	X
K.3. Artist studio/dwelling	CU	X	CU	X
K.4. Assisted Living Facilities	X	X	X	X
K.5. Caretaker Quarters	X	X	X	X
K.6. Congregate residences	X	X	X	X
K.7. Detached Accessory Dwelling Unit	X	X	X	X
K.8. Domestic Violence Shelter	X	X	X	X
K.9. Floating home moorage	X	X	X	X
K.10. Mobile Park Home	X	X	X	X
K.11. Multifamily residences	A 37, X	X	A 37, X	X
K.12. Nursing homes	X	X	X	X
K.13. Single-family dwelling units	A 37, X	X	A 37, X	X
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A

Uses UI	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>M. STORAGE USES</b>	-	-	-	-
M.1. Mini-warehouses	CU 24, 25, X 26	92A and B	A	A
M.2. Storage, outdoor	A	92 A and B	A	A
M.3. Warehouses	A	92 A and B, A 94	A	A
<b>N. TRANSPORTATION FACILITY USES</b>	-	-	-	-
N.2. Cargo terminals	A 2, X 4	A 2, X 4	A 2, X 4	A
N.3. Moorage	-	-	-	-
N.3.a Boat moorage	-	-	-	-
N.3.a.2 Recreational marina	CU 35	CU 93	CU 35	X
N.6. Passenger terminal	A 2, X 4	A 2, X 4	A 2, X 4	A

Table 5 Key

- A = Allowed
- A(U) = Allowed on upland lots only
- CU = Conditional Use
- CCU = Council Conditional Use
- SU = Special Use
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only

**Table 6. Proposed changes to uses allowed in the Urban Maritime Shoreline Environment.**

Uses UM	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>A. AGRICULTURAL</b>	-	-	-	-
A.2. Aquaculture	A	CU	A	CU
<b>B. CEMETERIES</b>	n/a	X	n/a	X
<b>C. COMMERCIAL</b>	-	-	-	-
C.2 Eating and drinking establishments uses	CU48	92A		
C.3 Entertainment uses	X	92C		
C.5. Laboratories, research and development	CU 49, X	92B	A	A
C.4 Food processing and craft work		92A and B		
C.8. Offices	CU 48	92B	A 31, CU	CU
C.11. Sales and service uses, heavy	-	-	-	-
C.11.a. Commercial sales, heavy	CU 48	92A and B	A	A
C.11.b. Commercial services, heavy	-	-	-	-
C.11.b.2 Construction services	CU 48	92A and B	A	A 48
C.11.b.3 Building maintenance services	CU 48	92A and B	A	A 48
C.11.c. Retail sales, major durables	CU 48	92A and B	A	A
C.11.d. Retail sales and services,	CU 48	92A and B	A	A

Uses UM	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
non-household				
C.11.e. Wholesale showroom	A2, CU4, 48	A2X	A	A
<b>E. INSTITUTIONAL USES</b>	-	-	-	-
E.4. Community Center or Club	-	-	-	-
E.4.a. Community yacht, boat & beach clubs	CU 35	CU 93	CU 35, CU 50	CU 50
E.10. Museum	X	X	CU 50	A2, CU 50
E.11. Private Club	-	-	-	-
E.11.a. Private yacht, boat & beach clubs	CU 93	A, 93, CU 93		
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	X
<b>G. MANUFACTURING USES</b>	-	-	-	-
G.1. Light manufacturing	A2, CU 48	92A and B	A	A
G.2. General manufacturing	A2, CU 48	92A and B	A	A
G.3. Heavy manufacturing	SU2, CU 48	92A and B	SU	SU
<b>H. PARKS AND OPEN SPACE USES</b>	-	-	-	-
H.1 General	X	X	X	A
<b>K. RESIDENTIAL USES</b>	CU 49	X	CU 49, CU 50	CU 50
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A
<b>M. STORAGE USES</b>	-	-	-	-
M.1 Mini-warehouses	CU 48	92A and B	A	A
M.2. Storage, outdoor	CU 48	92A and B	A	A
M.3. Warehouses	CU 48	92A and B	A	A
<b>N. TRANSPORTATION FACILITY USES</b>	-	-	-	-
N.3. Moorage	-	-	-	-
N.3.a Boat moorage	-	-	-	-
N.3.a.2 Recreational marina	CU 35	CU 93	CU35	A
<b>O. UTILITY USES</b>	-	-	-	-
O.4. Recycling	X	A 2, X 4	A	A

**Table 6 Key**

- A = Allowed
- A(U) = Allowed on upland lots only
- CU = Conditional Use
- CCU = Council Conditional Use
- SU = Special Use
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only

**Table 7. Proposed changes to uses allowed in the Urban Residential Shoreline Environment.**

Uses UR	Existing Waterfront	Proposed Waterfront	Existing Upland	Proposed Upland
<b>B. CEMETERIES</b>	n/a	X	n/a	X

<b>Uses UR</b>	<b>Existing Waterfront</b>	<b>Proposed Waterfront</b>	<b>Existing Upland</b>	<b>Proposed Upland</b>
<b>F. LIVE-WORK UNITS</b>	n/a	X	n/a	X
<b>K. RESIDENTIAL USES</b>	-	-	-	-
K.1. Accessory Dwelling Unit	n/a	X	n/a	A
K.2. Adult Family Homes	n/a	X	n/a	A
K.3. Artist studio/dwelling	n/a	X	n/a	A
K.4. Assisted Living Facilities	n/a	X	n/a	A
K.5. Caretaker Quarters	n/a	X	n/a	A
K.8. Domestic Violence Shelter	n/a	X	n/a	X
K.9. Floating home moorage	A	A 83	A	A
K.10. Mobile Park Home	n/a	X	n/a	X
<b>L. RESTORATION AND ENHANCEMENT USES</b>	n/a	A	n/a	A
<b>N. TRANSPORTATION FACILITY USES</b>	-	-	-	-
N.1. Bridges and tunnels	A	A 96, CU 97	A	A
N.11. Railroads	A	SU	A	A

Table 7 Key

- A = Allowed
- A(U) = Allowed on upland lots only
- CU = Conditional Use
- CCU = Council Conditional Use
- SU = Special Use
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only

**Conservancy Shoreline Environment Tables Indicating Proposed Changes**

**Table 8. Proposed changes to uses allowed in the Conservancy Management Shoreline Environment.**

Uses CM	Existing	Proposed
A. AGRICULTURAL	-	X
B. CEMETERIES	n/a	X
C. COMMERCIAL	-	-
C.2. Eating and drinking establishments	X, CU 21, CU 22, CU 23	CU 101, A 102
C.3. Entertainment uses	X	X
C.4 Food processing and custom craft work	X	A 102
C.8. Offices	X	A 103
C.10. Sales and services, general	X, CU 22, CU 23	CU 101, A 102
C.11. Sales and service uses, heavy	-	X
C.11.c. Retail sales, major durables	X, CU 22, CU 23	X
C.12. Sales and services, marine		
C.12.b. Sale or rental of large boats.	SU	SU , A 104
C.12.c. Sale or rental of small boats, boat parts, or accessories	X, CU 21, 22, 23	A 104
E. INSTITUTIONAL USES	-	-
E.3. Colleges	A(U), X(W)	A(U), WD/WR(W)
E.4. Community center or club	-	-
E.4.a Yacht, Boat and Beach Clubs	SU 38, A 37	SU
E.4.b Other Community centers or clubs	X	A(U), X(W)
E.7. Institute for advanced study	A (U), SU 2	A(U), WD/WR(W)
E.9. Museum	A(U), SU 2	A(U), WD/WR(W)
E.10. Private club	-	-
E.10.a Private yacht, boat and beach clubs	SU 38, A 37	SU
E.10.b Other private clubs	X	A(U), X(W)
E.13. Vocational or fine arts schools	A(U), X(W)	A(U), WD/WR(W)
F. LIVE-WORK UNITS	A(U), X(W)	X
H. PARKS AND OPEN SPACE USES	-	-
H.1 General	X	A(U), X(W)
J. RESEARCH USES	n/a	A 64
L. RESTORATION AND ENHANCEMENT USES	n/a	A
M. STORAGE USES	X	A 103

Table 8 Key

A = Allowed  
 CU = Conditional Use  
 SU = Special Use  
 (U) = Upland lots  
 (W) = Waterfront lots  
 WD = Water-dependent uses only

**Table 9. Proposed changes to uses allowed in the Conservancy Navigation Shoreline Environment.**

Uses CN	Existing	Proposed
A. AGRICULTURAL	-	-
A.1. Animal Husbandry	n/a	X
A.2. Aquaculture	SU	X
B. CEMETERIES	n/a	X
F. LIVE-WORK UNITS	n/a	X
J. RESEARCH USES	n/a	A 64
L. RESTORATION AND ENHANCEMENT USES	n/a	A
N. TRANSPORTATION FACILITY USES	-	-
N.2. Cargo terminals	n/a	X
N.3. Moorage	n/a	X
N.3.a Boat moorage	n/a	X
N.3.b. Dry boat storage	n/a	X
N.5. Parking, principal use	n/a	X
N.6. Passenger terminal	n/a	X
N.7. Rail Transit Facilities	A	A 98
N.9. Transportation Facilities, Air	-	-
N.9.a. Airports, Land-based	n/a	X
N.9.b. Airports, water-based	n/a	X
N.9.c. Heliports	n/a	X
N.9.d. Helistops	n/a	X
N.10. Vehicle storage and maintenance	n/a	X
N.11. Tugboat services	n/a	X
N.12. Railroads	X	SU 98
N.13. Streets	X	SU 98

Table 9 Key

- A = Allowed
- CU = Conditional Use
- SU = Special Use
- (U) = Upland lots
- (W) = Waterfront lots
- WD = Water-dependent uses only

**Table 10. Proposed changes to uses allowed in the Conservancy Preservation Shoreline Environment.**

Uses CP	Existing	Proposed
A. AGRICULTURAL	-	-
A.2. Aquaculture	SU	X
B. CEMETERIES	n/a	X
L. RESTORATION AND ENHANCEMENT USES	n/a	A
N. TRANSPORTATION FACILITY USES	-	-
N.1. Bridges and tunnels	CU	A 99
N.2. Cargo terminals	n/a	X
N.3. Moorage	n/a	X
N.5. Parking, principal use	n/a	X
N.6. Passenger terminal	n/a	X
N.7. Rail transit facilities	n/a	A 100, CU 100
N.8. Transportation Facilities, Air	n/a	X
N.8.a. Airports, Land-based	n/a	X
N.8.b. Airports, water-based	n/a	X
N.8.c. Heliports	n/a	X
N.8.d. Helistops	n/a	X
N.9. Vehicle storage and maintenance	n/a	X
N.10. Tugboat services	n/a	X
N.11. Railroads	CU	X
N.12. Streets	CU	CU 13
P. UTILITY LINES	SU 8	68

Table 10 Key

- A = Allowed
- CU = Conditional Use
- SU = Special Use
- (U) = Upland lots
- (W) = Waterfront lots
- WD = Water-dependent uses only

**Table 11. Proposed changes to uses allowed in the Conservancy Recreation Shoreline Environment.**

Uses CR	Existing	Proposed
A. AGRICULTURAL	-	-
A.2. Aquaculture	A	X
B. CEMETERIES	n/a	X
C. COMMERCIAL	-	-
C.11. Sales and service uses, heavy	-	-
C.11.c. Retail sales, major durables	X, CU 23	X
J. RESEARCH USES	n/a	A 64
K.12. Single-family dwelling units	X, CU 11,12	CU 70, X
L. RESTORATION AND ENHANCEMENT USES	n/a	A
M. STORAGE USES	n/a	X
N. TRANSPORTATION FACILITY USES	-	-
N.1. Bridges and tunnels	SU	SU 8
N.2. Cargo terminals,	n/a	X
N.3. Moorage	-	-
N.3.a Boat moorage	-	-
N.3.a.1 Commercial marina	n/a	X
N.3.b. Dry boat storage	n/a	SU
N.5. Parking, principal use	SU	X
N.8. Transportation Facilities, Air	-	-
N.8.a. Airports, Land-based	SU	X
N.8.b. Airports, water-based	SU	CU
N.8.c. Heliports	SU	X
N.8.d. Helistops	SU	X
N.9. Vehicle storage and maintenance	SU	X
N.12. Streets	SU 7	SU 7 & 8
O. UTILITY USES	-	-
O.7. Utility service uses	X	CU 57

Table 11 Key

- A = Allowed
- CU = Conditional Use
- SU = Special Use
- (U) = Upland lots
- (W) = Waterfront lots
- WD = Water-dependent uses only

**Table 12. Proposed changes to uses allowed in the Conservancy Waterway Shoreline Environment.**

<b>Uses CW</b>	<b>Existing</b>	<b>Proposed</b>
B. CEMETERIES	n/a	X
C. COMMERCIAL	-	-
C.11. Sales and service uses, heavy	-	X
C.11.c. Retail sales, major durables	CU 22	X
C.12. Sales and services, marine	-	-
C.12.d. Vessel repair, major	X 32, CU 33	CU
H. PARKS AND OPEN SPACE USES	-	-
J. RESEARCH USES	n/a	A 64
L. RESTORATION AND ENHANCEMENT USES	n/a	A
N. TRANSPORTATION FACILITY USES	-	-
N.1. Bridges and tunnels	A 71	SU 71
N.2. Cargo terminals,	n/a	X
N.6. Passenger terminal	n/a	X
N.8. Transportation Facilities, Air	-	-
N.11. Railroads	n/a	X
N.12. Streets	n/a	X

Table 12 Key

- A = Allowed
- CU = Conditional Use
- SU = Special Use
- (U) = Upland lots
- (W) = Waterfront lots
- WD = Water-dependent uses only
- WDWR = Water-dependent or water-related uses only