

Text Location	Issue	Comment	DPD Response
Fauntleroy Watershed Council			
1	Section 23.60.027	<p>Restoration Plan</p> <p>The Fauntleroy Watershed Council supports inclusion of this new section. With it, the Shoreline Master Program finally recognizes the substantial differences between restoration and development. Had these provisions for simplified permitting been in place a few years ago, we would likely have been able to move forward on a beach project at the mouth of Fauntleroy Creek in Fauntleroy Cove, supporting permitted restoration of the reach-to-the-beach portion of the creek..</p>	<p>Please review Section 23.60.027. This “restoration plan” is a requirement of the SMP guidelines and is non-regulatory in construct.</p> <p>However each shoreline environment has a new use category for restoration and enhancement.</p> <p>The city will continue to improve the permitting process for restoration projects.</p>
2	Section 23.60.152. L:	<p>General development</p> <p>We support the addition of this provision requiring replacement piers to have light-transmitting features. The Fauntleroy Ferry Terminal does not. According to Washington State Ferries' own study, the resulting long expanse of shaded nearshore habitat impairs juvenile salmon's ability to see food and predators.</p>	No response needed.
3	Section 23.60.160.B	<p>Standards for priority habitat protection</p> <p>We support the addition of kelp beds, eelgrass beds, and spawning and holding areas for forage fish as priority saltwater habitat. Over the years, Fauntleroy Cove has lost all or nearly all of its kelp beds, and its eelgrass beds have been severely reduced. The watershed council has strongly challenged repeated placement of sand and gravel on the steep south beach at Lincoln Park because of its probable negative impact on eelgrass beds, because of longshore transport. These new provisions give "teeth" to our advocacy for preservation and enhancement of these critical features in nearshore habitat here.</p>	No response needed.

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4	Section 23.60.254.F.1	Shoreline modifications in the Conservancy Preservation environment We note what appears to be a dissonance between the above provision about protection of nearshore habitat and this provision to allow fill as part of a beach nourishment project. We recommend, based on our experience with such projects in the nearshore habitat in Fauntleroy Cove, that use of sand and gravel for "soft" shoreline stabilization not be given ongoing exemption but rather be examined on a case-by-case basis.		Code revised as requested. See new table in Section 23.60.172 item 7g.
5	Section 23.60.284.A	Shoreline modifications in the Conservancy Recreation environment We support the new provision that allows noxious weed control. With reed canary grass present in Fauntleroy Cove, its control is an ongoing concern.		No response needed.
Northeast District Council				
6		Representing 16 community and business organizations, voted unanimously to support changes to the Shoreline Master Program that protect and enhance our shorelines and ensure public access. Any development within our shorelines should scrupulously adhere to the state's Shoreline Management Act in recognizing that shorelines are among the most valuable and fragile of its natural resources. Any development must protect and enhance the public interest. NEDC finds that the proposed changes to the Shoreline Master Program fall short in meeting this state mandate.		DPD has worked with the Department of Ecology to meet the requirements of the Shoreline Management Act and Chapter 173-26 WAC Shoreline Master Program Guidelines.
7	Section 23.60.224 C and D,	...Addressing uses in the CM Environment state The proposed changes above are inconsistent with the State Shoreline Management Act, RCW 90.58.020 and the		See response at the end of the table

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			implementing regulations, WAC 173-27-160. If adopted, they would strip Seattle's Shoreline Master Program of protection for water-dependent and water-related uses. There is nothing in state law that allows prohibited uses to be authorized, even as conditional or special uses, to provide financial benefit to the developer or entrepreneur.	
7a			This loophole is the death knell to many of our public properties that would suddenly find private partners to develop eating and drinking establishments or to develop office space or institutional use in our fragile shoreline environment that are not accessory to a water- dependent or water(-)related use. It is inconsistent with the state policy that the public's opportunity to enjoy the physical and aesthetic qualities of the natural shorelines is paramount. The purpose of the state law is to preserve the natural character of the shoreline, protect the resources and ecology, increase public access and increase recreational opportunities	See response at the end of the table
7b			Such uses are permitted outright in Urban Maritime and Urban Industrial areas—not in Conservancy Management areas—and for good reason. It would seem that these uses and the proposed changes cited above are specific only to Warren G. Magnuson Park because of the recent designation as an historic district.	See response at the end of the table
7c			Special interests should not be able to dictate provisions in Seattle's shoreline master program. Without the protections of Seattle Shoreline regulations and strict adherence to state law, our parks and historic districts will be lost and recognition of the value of our shorelines diminished.	See response at the end of the table

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			What will be lost even more than the protections that should exist in Seattle Shoreline Rules is the complete obliteration of the first major policy goal for SMP that the SMP establish 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).	
7d			<p>The NEDC also recommends one change to Section 23.60.224B as follows:</p> <p>Eating and drinking establishments and general sales and services are prohibited, except eating and drinking establishments and general retail sales and services, limited to retail sales accessory to a water-related use, are allowed as a shoreline conditional uses if located:</p> <ol style="list-style-type: none"> 1. in a public park; or 2. on an historic ship if... <p>This change reflects the goals of the Shoreline Management Act and the priority of water-related uses and it provides flexibility for appropriate uses without unduly commercializing Seattle's parks.</p>	See response at the end of the table
7e			Please consider that the exceptions created under Section 23.60.224.C and 23.60.224.D are not good for the goals of the Shoreline Master Plan and are removed from the proposal and that our recommended amendment to Section 23.60.224B is incorporated.	See response at the end of the table
Hawthorne Community Council				
8	General comment		Supports the improvements in the protection of the shoreline's natural resources and improvements in public access so as to be compatible with protection and improving native vegetation, habitat, wildlife	No response needed.

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9	23.60.224.C and D	Stripping the Shoreline Master Program of protection for water-related uses of existing buildings within designated historic districts now within the existing regulations is a bad thing to do. The loop hole provided by the proposed rule are not practical or because such uses cannot provide adequate financial support necessary to sustain the building in a reasonably good physical condition)" is the death knell to many of our public properties that would suddenly find private partners who would site this proposed subsection since many of our water-related uses are likely not able to provide as much financial incentive as would eating and drinking establishments and entertainment uses or office and institutional users. It would seem that these uses and this subsection are specific to Warren G. Magnuson Park since the park recently became a designated historic district.		See response at the end of the table
9a		What will be lost even more than the protections that should exist in Seattle Shoreline Rules is the complete obliteration of the first major policy goal for SMP that the SMP establish 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).		See response at the end of the table

Response to 7, 7a – d, 9 and 9a:

Within the Conservancy Management (CM) shoreline environment, the proposed changes to uses allowed are limited to existing buildings located within a designated historic district. Currently there is only one designated historic district within the Shoreline District, located within the Magnuson Park. Magnuson Park was deeded to the City by the US government after closure of the former Naval Air Station at Sandpoint. The Department of Parks and Recreation worked with DPD to allow adaptive re-use of historic structures that represented the historic legacy of

Sandpoint at Magnuson Park. Only one building falls within the jurisdiction of Seattle's Shoreline Master Program (SMP) and only a portion of this building is within 200-ft of the shoreline in the CM environment. The building pre-dated the Shoreline Management Act (SMA). To support Parks' continuing effort to re-use and activate the building, the proposed amendments to the City's SMP allow for some non-water dependent use to be located on the second floor of the building, and also allow child care facilities on the first floor of the building. Allowing child care facilities on the first floor of the building will provide opportunities for children to access the shoreline for recreation and educational purposes.

Allowing a non-water dependent use to be located on the first floor Parks, or any other applicant, is required to demonstrate that water dependent or water related uses, otherwise allowed or allowed as special uses, are not practical, because of building design or because they cannot provide adequate financial support necessary to sustain the building in a reasonably good physical condition. Therefore, allowing these uses with conditions, mitigates their impacts to the shoreline district and thereby complies with and meets the intent of the SMA and SMP.

The letter that is referred to in several comments written by DPD Director Diane Sugimura to Darrell Vange explains the above.